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BEFORE THE SKAGIT COUNTY HEARING EXAMINER

MILES SAND & GRAVEL CO. and CONCRETE
NOR'WEST

Appellant,

v.

SKAGIT COUNTY

Respondent.

NO. PL21-0348

Application Nos. PL16-0097 & PL16-0098

DECLARATION OF DAN COX

Dan Cox declares under penalty of perjury under the laws of the State of Washington as follows:

1. I am over the age of 18, competent to testify, and make this declaration based on personal knowledge.

2. I am a General Manager for Miles Sand & Gravel Company ("Miles"). In that capacity, I have acted as the point person for the company on its Special Use Permit Application (PL16-0097) ("Application") for its gravel mine north of Grip Road, which was submitted to Skagit County on March 7, 2016.

3. The entire 722-acre Grip Road property except the 3 mining parcels (referred to here as the FPA Property) is managed under DNR Forest Practice rules, RCW Ch. 76.09 and WAC Title 222, allowing for ongoing forest management of the entire property.

1 4. The FPA property is also subject to a Forest Management Plan approved by
2 the DNR. A copy is attached as **Exhibit A**.

3 5. The Plan contemplates the very long-term use of the FPA property as a forest
4 plantation. That use will continue well beyond the life of the mine, which will
5 terminate with reclamation and replanting of timber on the mine site. Under the Plan,
6 timber harvest will continue to occur during the life of the mine and for many decades
7 afterward.

8 6. The Plan addresses the maintenance of the forest roads. All work on the
9 roads to date has been under the auspices of and approved by the DNR. See **Exhibit B**
10 attached for the DNR approval of the most recent work.

11 7. The 3 mining parcels were approved for conversion to a non-forestry use with
12 the participation of the County in 2016. See **Exhibit C**. The roads were not converted and
13 remain under the purview of the DNR permit as evidenced by the DNR approval of road
14 maintenance described above. They will continue to be used as forestry roads throughout
15 the mining use and well beyond that into the future.

16 8. I have reviewed the comment letters cited by the County as the new
17 information relied upon by the staff in deciding to require critical areas review for the
18 increased use of the road. There is nothing new there. The planned use of the logging roads
19 has been part of the proposal from day one.

20 9. The County decided at the outset that critical areas review of the logging
21 road was not required and that the critical areas code only applied to the development
22 activities at the 3-parcel mine site.

23 10. Nor are the public comments about this issue new. During earlier comment
24 periods there were a number of comments about the logging road and the claimed need
25
26

1 for critical areas review. I attach one from the attorneys for neighbors and dated October
2 4, 2017, as **Exhibit D**. It requests critical areas review for the road among other things. This
3 is by no means a new claim nor is there any new information.
4

5 11. The potential paving of a short section of the logging road (approximately
6 500 feet) is also not new nor does it implicate the critical areas code. It has been discussed
7 since a County site visit in 2018 and in subsequent communications. In fact, the purpose
8 of the deviation that triggers the paving suggestion was the avoidance of reconstruction
9 that would have impacted critical areas buffers. Again, this has been under discussion with
10 the County for literally years.

11 Dated this 11th day of August, 2021.

12
13 *Dan Cox*

14 Dan Cox
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EXHIBIT A

TIMBER MANAGEMENT PLAN
SKAGIT COUNTY, WASHINGTON

For

Trillium Corporation Lands Located in
Sections 26, 27, 34, 35 Township 36 North Range 4 East

and

Section 3 Township 35 North Range 4 East

Consisting of Approximately

722.60 Acres

Prepared for:

Miles Sand & Gravel
663 Pease Road
Burlington, WA 98233

Prepared By:

Randy R. Bartelt
Forester
Trillium Corporation
1329 N State Street, Suite 201
Bellingham, WA 98225

November 5, 2009

Forest Management Plan

Trillium Corporation is the owner of approximately 722.60 acres located in Sections 26, 27, 34 and 35, Township 36 North Range 4 East, and Section 3, Township 35 North Range 4 East, situated in Skagit County, Washington, the "North Grip Road Property". The North Grip Road Property consists of 36 tax parcels, of which approximately 20.93 acres are zoned Rural Reserve (RRv) and 701.67 acres zoned Rural Resource-Natural Resource Lands (RRc-NRL). Trillium Corporation acquired the property from Scott Paper Corporation in the early 1990's.

The property is accessed from Grip Road in Section 3, Township 35 North Range 4 East via the GN1000 road system (see Road System map in section titled "Property Description").

Topography & Soil Conditions:

The North Grip Road Parcel is located northwest of Sedro-Woolley, Washington, situated between Interstate 5 to the west, State Route 9 to the east, Grip Road to the South, and Prairie Road to the North. The topography is gently to rolling with elevations ranging between 150 feet MSL and 350 feet MSL; the property is bordered on the north by the Samish River with Swede Creek bisecting the property just north of the main entrance to the property. Both the Samish River and Swede Creek are fish bearing water.

General soils in the area are referred as follows:

BARNESTON-DYSTRIC XERORTHENTS-INDIANOLA: Very Deep, somewhat excessively drained and excessively drained, level to very steep soils; on terraces and terrace escarpments.

Soils in this general soil group include: Dystric Xerochrepts, 45 to 70 percent slopes; Bow gravelly loam, 0 to 3 percent slopes; Sehome gravelly loam, 15 to 30 percent slopes; and Skipopa silt loam, 0 to 3 percent slopes.

Goal and Objective:

The goal and objective is to transfer the Trillium parcel to Miles Sand & Gravel (Landowner). The new Landowner wishes to maintain the current Forest Land Designation; the integrity of the property shall be maintained by managing the property as a productive tree farm. Managing the property as a tree farm will provide timber production, wildlife habitat, watershed management and recreational activities. The object is to provide a future return on investment through good forest management practices. Landowner will take title to the property subject to a conservation

easement with respect to the gravel underlying the property; provided, however, tax parcels P50155, P125655, and P125645 will be free of the conservation easement.

Recommendations are as follows:

Forest Roads: An extensive all-season forest road system services the property. The Forest Practices Act requires maintenance on all roads on forest land used for the transportation of forest products and that all roads under jurisdiction of forest practices rules be included in a road maintenance and abandonment plan submitted to the Department of Natural Resources. Further, the rules specify that all upgrades must be completed and new maintenance standards be applied to all roads used since 1974 by 2015. Trillium Corporation submitted its Road Maintenance Abandonment Plan (RMAP) to the Washington State DNR for its Grip Road Property on July 8, 2002; the plan was accepted by the DNR on September 19, 2002, RMAP number R2800007L. A copy of the original plan is included in the Section titled "**RMAP**". All aspects of the plan have been implemented to date.

Road surface, turnouts, and shoulders should be graded and shaped as needed to provide a suitable travel surface and control water in an even, dispersed manner. Grading may be substituted with a lift of surface rock. Culverts should be inspected and cleaned routinely and immediately after any significant storm events. Culvert inlets should be armored and ditches should be kept clear of any debris. It is recommended that roadside vegetation be controlled every 2-years using the appropriate herbicides at manufacturers suggested rates, or every 2-3 years using mechanical brush control.

Commercial Thinning (CT): At age 25+, types should be of adequate height and diameter, which if logged, would produce merchantable saw and pulp logs. Landowner may elect at this time to enter the stand and remove logs for sale to local markets to provide a return on investment. Operation should remove trees in poor health and poor quality, such as trees with poor crowns (broken tops, crooks, multiple tops, frost breaks), suppressed/dying trees (diseased, damaged or leaning), and hardwoods. Retain conifer trees with good healthy crowns, straight boles and small limbs. Use caution not to damage leave tree boles or roots. Light thinning is recommended to prevent blow-down and will provide landowner the option of additional future thinning.

Final harvest: Stands may be clearcut when they reach 45+ years of age. Landowner may elect to hire a professional forestry consultant to assist with timber harvest layout, new road design and construction, permitting, selecting a logger or preparing a "Timber Sale Agreement", and assist in maintaining adequate records for logging, road construction and forest excise tax payments. A current list of consulting Foresters may be found in Section titled "**Consulting Foresters Directory**".

Following harvest, brush piles should be burned or chipped to reduce overall fire hazard and to maximize planting densities. Leave a few small piles for wildlife habitat. All brush should be removed around any structures to remove fire hazard. Burning permits may be obtained from the Department of Natural Resources, 919 North Township, Sedro-Woolley, WA 98284.

Reforestation: Following final harvest, replant non-stocked areas with a minimum of 300 well-distributed native seedlings per acre. Plant Douglas-fir (*Pseudotsuga menziesii*) in open sunlight and Western Red Cedar (*Thuja plicata*) in shade or wet areas. Landowner may elect to plant 435 trees per acre and follow with a precommercial thin (PCT) at age 10-15 yrs.

Seed or seedlings can be purchased from local timber companies, the Department of Natural Resources, Silvaseed, IFA or Weyerhaeuser Company. Seed or seedlings should come from a native source adapted to the local geographic region and elevation (see section titled "**Seed Zone Map**"). Genetically improved seed can be purchased from local timber companies such as Sierra-Pacific Industries, Longview Fibre, Bloedel Timberlands or Trillium Corporation.

Brush Control: During the first two years following harvest and reforestation, landowner should monitor brush competition within the stand and may elect to control competing vegetation via aerial or backpack spray. Landowner should consult a forester or chemical sales representative for specific spray recommendations.

If hardwoods begin to compete with planted seedlings, landowner may elect to control competing species via aerial spray or by manual release. If chemical control is preferred, landowner should once again consult a forester or chemical sales representative for specific spray recommendations. A Forest Practice permit is required for all aerial spray.

Precommercial Thinning (PCT): Once stands reach 10-15 years, landowner may elect to thin trees to reduce competition with non-crop trees for light and nutrients. Stand should be thinned to maintain approximately 280-300 well distributed trees per acre. Crop trees to be retained should be selected based on overall health and vigor, spacing and species. PCT should remove trees in poor health and poor quality, such as trees with poor crowns (broken tops, crooks, multiple tops, frost breaks), suppressed/dying trees (diseased, damaged or leaning). Retain trees with good healthy crowns, straight boles and small limbs.

Inventory: A detailed forest inventory is included in the Section titled "**Forest Inventory**". The inventory should be updated in January 2010 to adjust for 2009 growth.

Fire Protection: There are numerous streams in the immediate area that can be used as an emergency water source for fire suppression. It is recommended that landowner have at a minimum the following tools during fire season: shovel, ax, fire extinguisher, and a small portable water tank or bladder bag. In the event of a fire landowner should contact the local fire department (9-1-1) and the Washington State Department of Natural Resources at 360-856-3500.

Insect and Disease Control: No insect or disease control is anticipated for this site. In the unlikely event an outbreak should occur, landowner should consult with a professional tree service specializing in insect and disease control.

Animal Damage Control: With intensive forest management strategies comes the increasing need to protect the forest from animal damage. Animal damage may come from a broad range of wildlife species, including beaver (*Castor canadensis*), mountain beaver (*Aplodontia rufa*), porcupine (*Erethizon dorsatum*) and black bear (*Ursus americanus*).

Historical beaver activity exists in the southwest corner of the property off the GN1010 road. This area should be periodically inspected and any plugged culvert pipe should be cleaned of sticks and/or debris.

During the spring, black bear strip the bark off trees to feed on the newly forming vascular tissue. Damage inflicted through this behavior (called girdling) reduces growth rate and can be lethal. The North Grip Road Property should be inspected in early to late spring to look for fresh stripped bark on the ground at the base of the tree and vertical tooth and claw marks visible on the bole. If new bear damage is observed Landowner should contact the Washington Department of Fish and Wildlife (WDFW) to discuss animal damage control options.

Property Description

**North Grip Road
Legal Descriptions**

P35704 (350403-0-006-0006)

The West Half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 35 North, Range 4 East of the Willamette Meridian.

Situate in Skagit County, Washington.

**Parcel Subject to Boundary Line Adjustment (North of Grip Road):
P35722 (350403-1-001-0009)**

That portion of the Southwest Quarter of the Northeast Quarter of Section 3, Township 35 North, Range 4 East of the Willamette Meridian, lying Northerly of the Gripp Road;

EXCEPT those portions conveyed to Skagit County for road purposes by deeds recorded April 14, 1915, under Auditor's File Nos. 107444 and 107452, records of Skagit County, Washington.

Situate in Skagit County, Washington.

P50087 (360426-3-003-0104)

The Southwest Quarter of Section 26, Township 36 North, Range 4 East of the Willamette Meridian;

EXCEPT that portion lying Northeasterly of the Samish River as it existed October 20, 1977.

Situate in Skagit County, Washington.

P50155 (360427-4-002-0003)

The Northeast Quarter of the Southeast Quarter of Section 27, Township 36 North, Range 4 East of the Willamette Meridian;

EXCEPT that portion lying Northwesterly of the centerline of the Samish River.

Situate in Skagit County, Washington.

P125644 (360427-4-003-0100)

P125645 (360427-4-003-0200)

The Northwest Quarter of the Southeast Quarter of Section 27, Township 36 North, Range 4 East of the Willamette Meridian.

Situate in Skagit County, Washington.

P125646 (360427-4-003-0300)

P125647 (360427-4-003-0400)

P125648 (360427-4-003-0500)

P125649 (360427-4-003-0600)

The South Half of the Southeast Quarter of Section 27, Township 36 North, Range 4 East of the Willamette Meridian.

Situate in Skagit County, Washington.

P125618 (360434-1-001-0100)

P125619 (360434-1-001-0200)

P125620 (360434-1-001-0300)

P125621 (360434-1-001-0400)

P125622 (360434-1-001-0500)

P125623 (360434-1-001-0600)

P125624 (360434-1-001-0700)

P125625 (360434-1-001-0800)

P125626 (360434-1-001-0900)

P125627 (360434-1-001-1000)

P125628 (360434-1-001-1100)

P125629 (360434-1-001-1200)

P125630 (360434-1-001-1300)

P125631 (360434-1-001-1400)

P125632 (360434-1-001-1500)

P125633 (360434-1-001-1600)

P125634 (360434-1-001-1700)

P125635 (360434-1-001-1800)

P125636 (360434-1-001-1900)

P125637 (360434-1-001-2000)

P125638 (360434-1-001-2100)

P125639 (360434-1-001-2200)

The Northeast Quarter; the East Half of the Northwest Quarter; the East Half of the Southwest Quarter; the North Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 34, Township 36 North, Range 4 East of the Willamette Meridian.

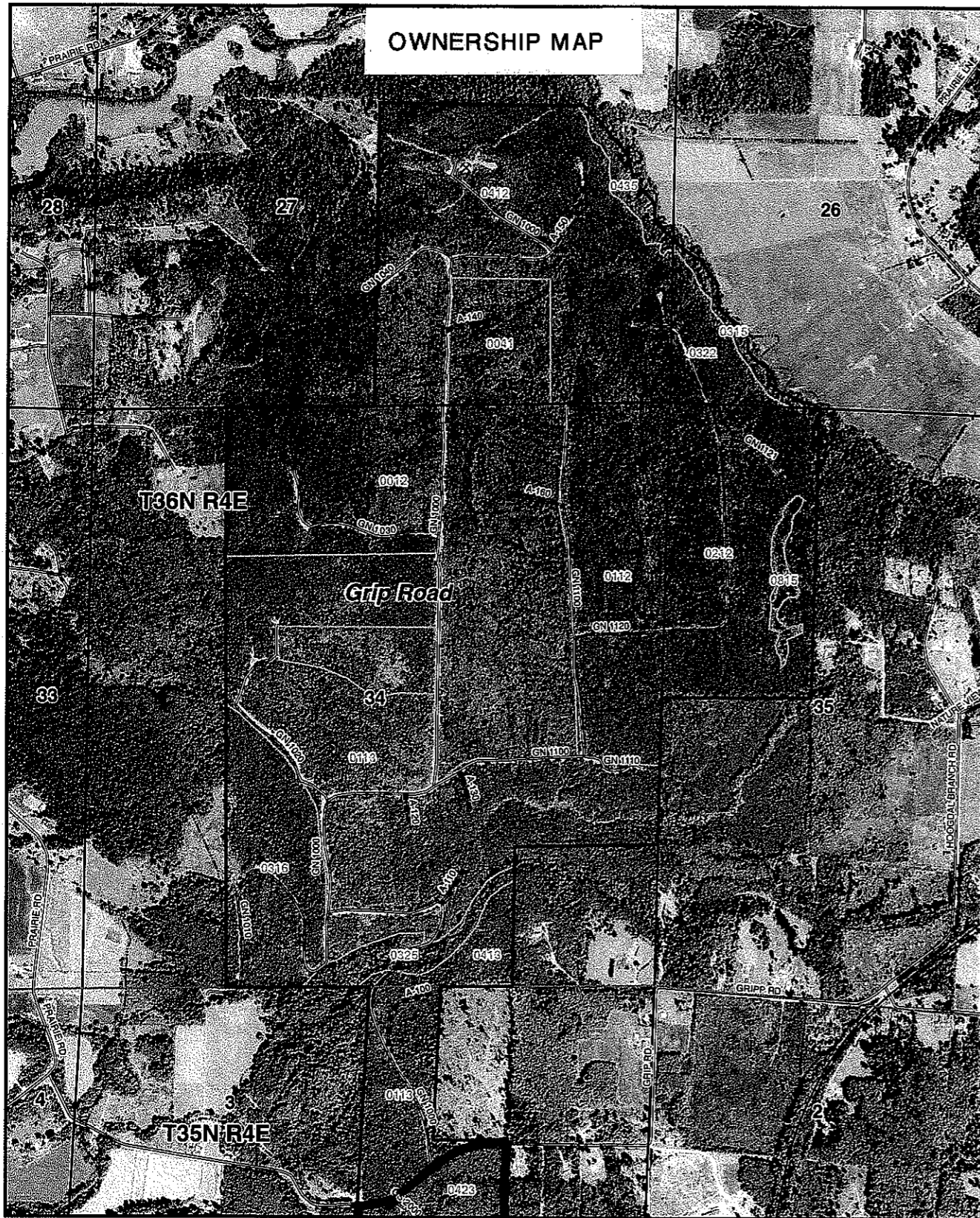
Situate in Skagit County, Washington.

P125640 (360435-2-004-0100)
P125641 (360435-2-004-0200)
P125642 (360435-2-004-0300)
P125643 (360435-2-004-0400)

The West Half of the Northwest Quarter of Section 35, Township 36 North, Range 4 East of the Willamette Meridian.

Situate in Skagit County, Washington.

OWNERSHIP MAP



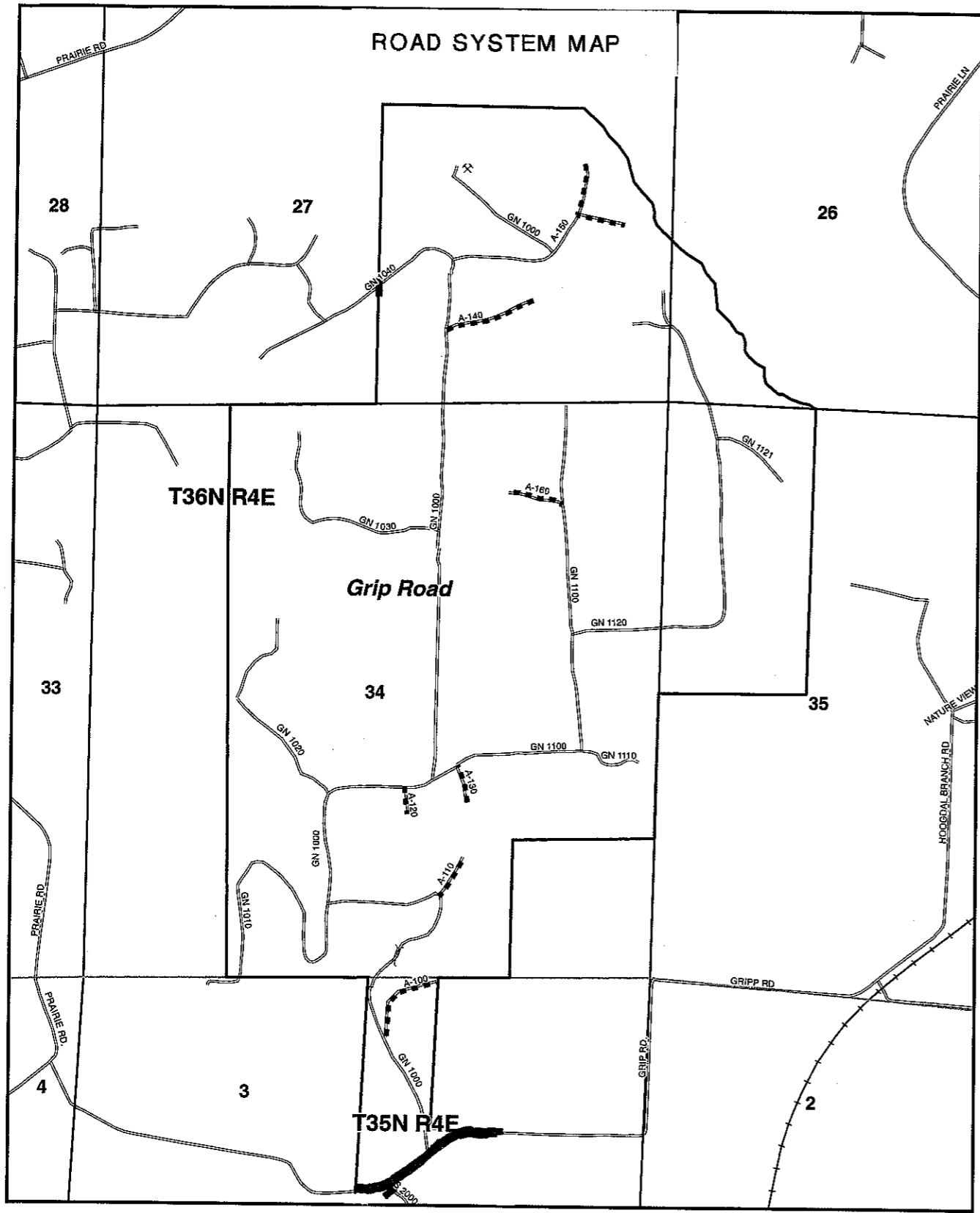
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	Township		Road
	Section		Road (inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation



1:15,298
1 inch equals 1,275 feet

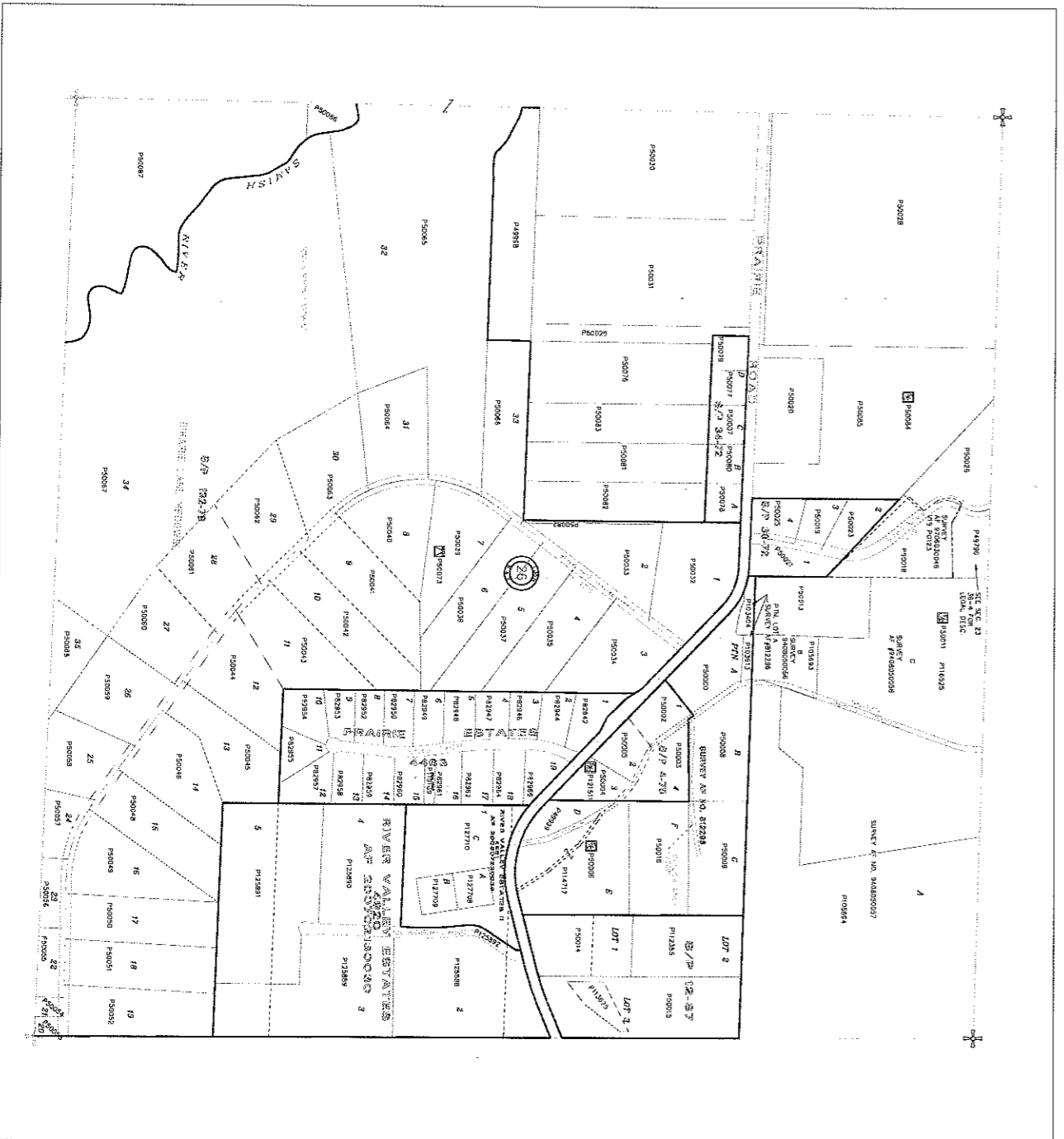
ROAD SYSTEM MAP



	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation

N
 1:15,298
 1 inch equals 1,275 feet

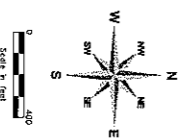


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18	17	16	15	14	13
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31	32	33	34	35	36

T 36 N R 04 E

SKAGIT COUNTY

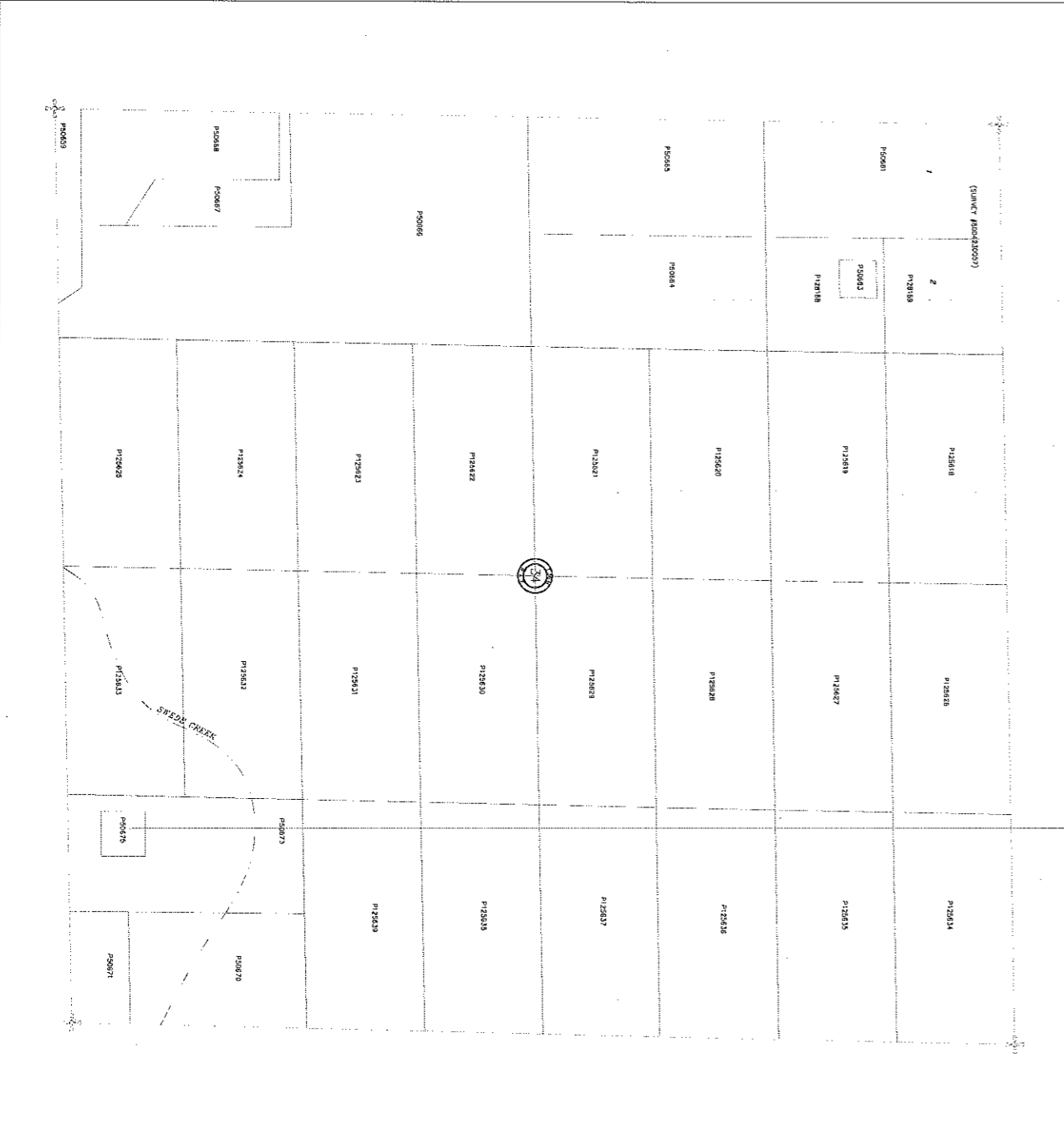
*** ATTENTION ***
 THIS MAP CONTAINS A FLOOD HAZARD RISK ASSESSMENT INTERPOLATION. THE INTERPOLATION IS BASED ON THE DATA PROVIDED BY THE FLOOD HAZARD RISK ASSESSMENT REPORT.



These data were prepared from a computer printout of the data provided by the Surveyor. The Surveyor is not responsible for any errors or omissions in the data. The user of these data should verify the accuracy of the data before using them for any purpose. The user of these data should also verify the accuracy of the data before using them for any purpose. The user of these data should also verify the accuracy of the data before using them for any purpose.

DATE	INT.
DRAWN BY	SV/AV/MI
REVISED	SV/AV/MI
PLOTTED	SV/AV/MI

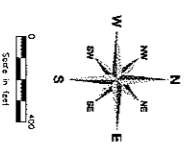
Section 26
 T 36 N R 04 E



SKAGIT COUNTY

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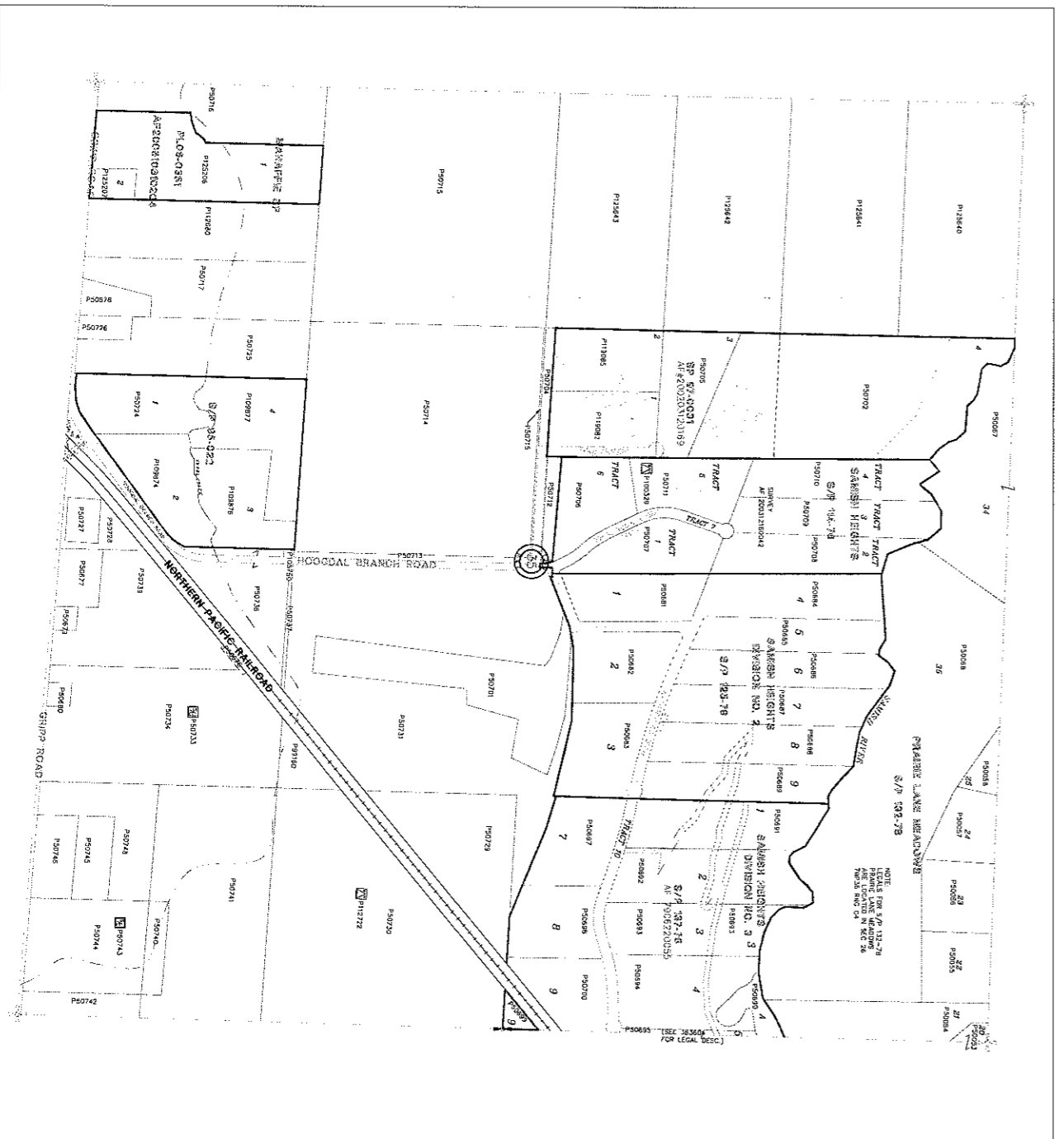
T 36 N R 04 E



These maps are prepared from aerial photography and are not guaranteed to be 100% accurate. The County is not responsible for any errors or omissions. The user is advised to consult a professional surveyor for any legal or boundary matters. The user is also advised to consult the applicable laws and regulations regarding land use and zoning.

DATE	INIT.
DRAWN BY	SP/AD KJK
REVISION	1/7/08 LP
FILED	1/7/08 LP
COUNTY CLERK, SKAGIT COUNTY, WASHINGTON	

Section 34
T 36 N R 04 E

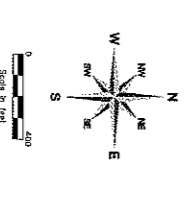


SKAGIT COUNTY

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7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

T 36 N R 04 E

ATTENTION
 THE LAND CONTAINED HEREIN IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA NATIONAL ASSOCIATION, THE FIRST FEDERAL BANK OF SKAGIT COUNTY, WASHINGTON. THE DEED OF TRUST IS FILED IN THE PUBLIC RECORDS OF SKAGIT COUNTY, WASHINGTON.

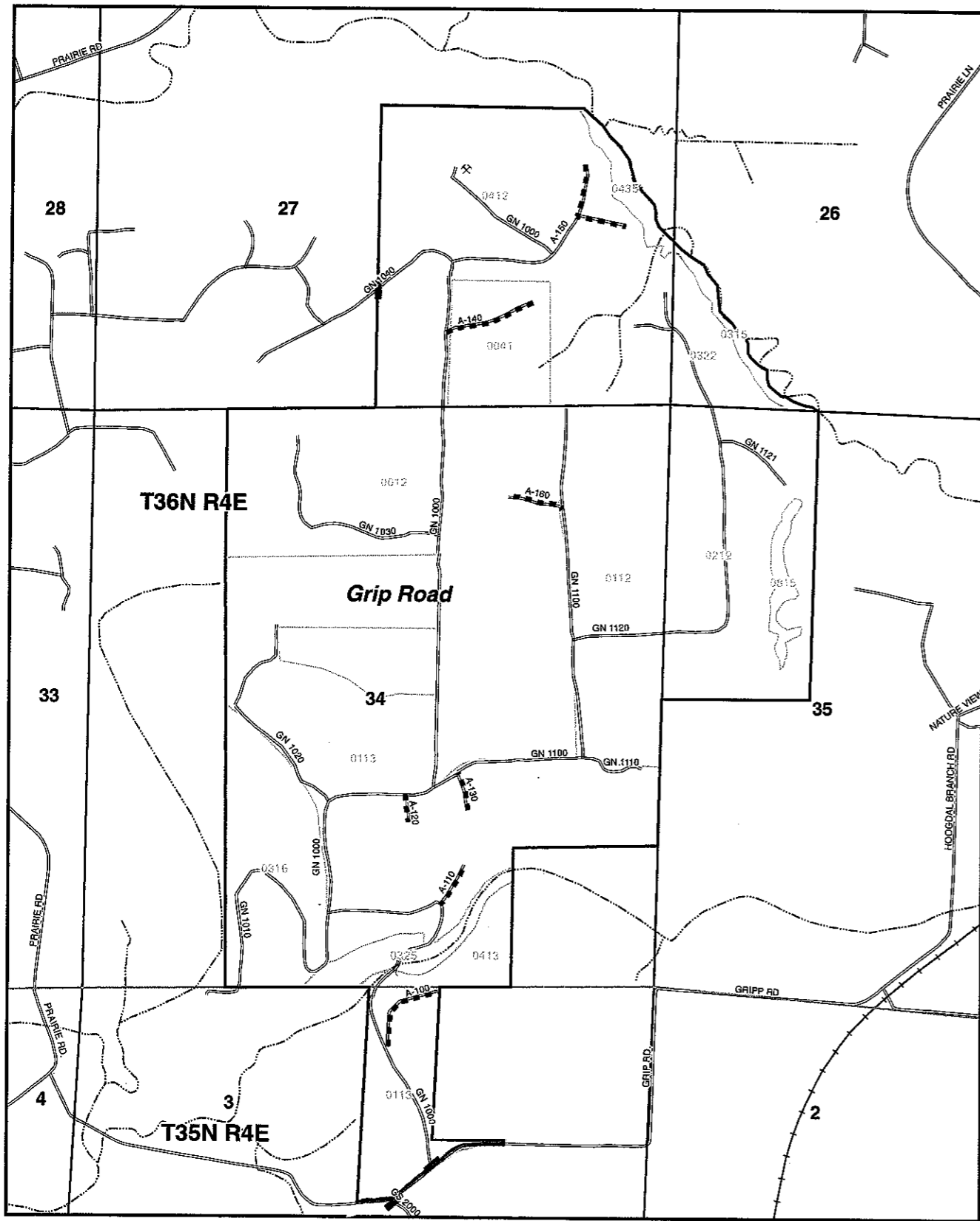


THIS MAP WAS PREPARED FROM A FIELD SURVEY CONDUCTED BY THE SURVEYOR AND HIS ASSISTANTS IN THE MONTH OF JULY, 1978. THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND MAPPERS OF THE STATE OF WASHINGTON. THE SURVEYOR'S OFFICE IS LOCATED AT 1000 WEST 1ST AVENUE, BELLINGHAM, WASHINGTON 98220.

DATE	INT.
DRAWN BY	3/2/78 KJM
REVISED	10/7/78 SP
PLOTTED	10/7/78 SP
CHECKED BY	10/7/78 SP
CONTRACT NO.	10/7/78 SP

Section 35
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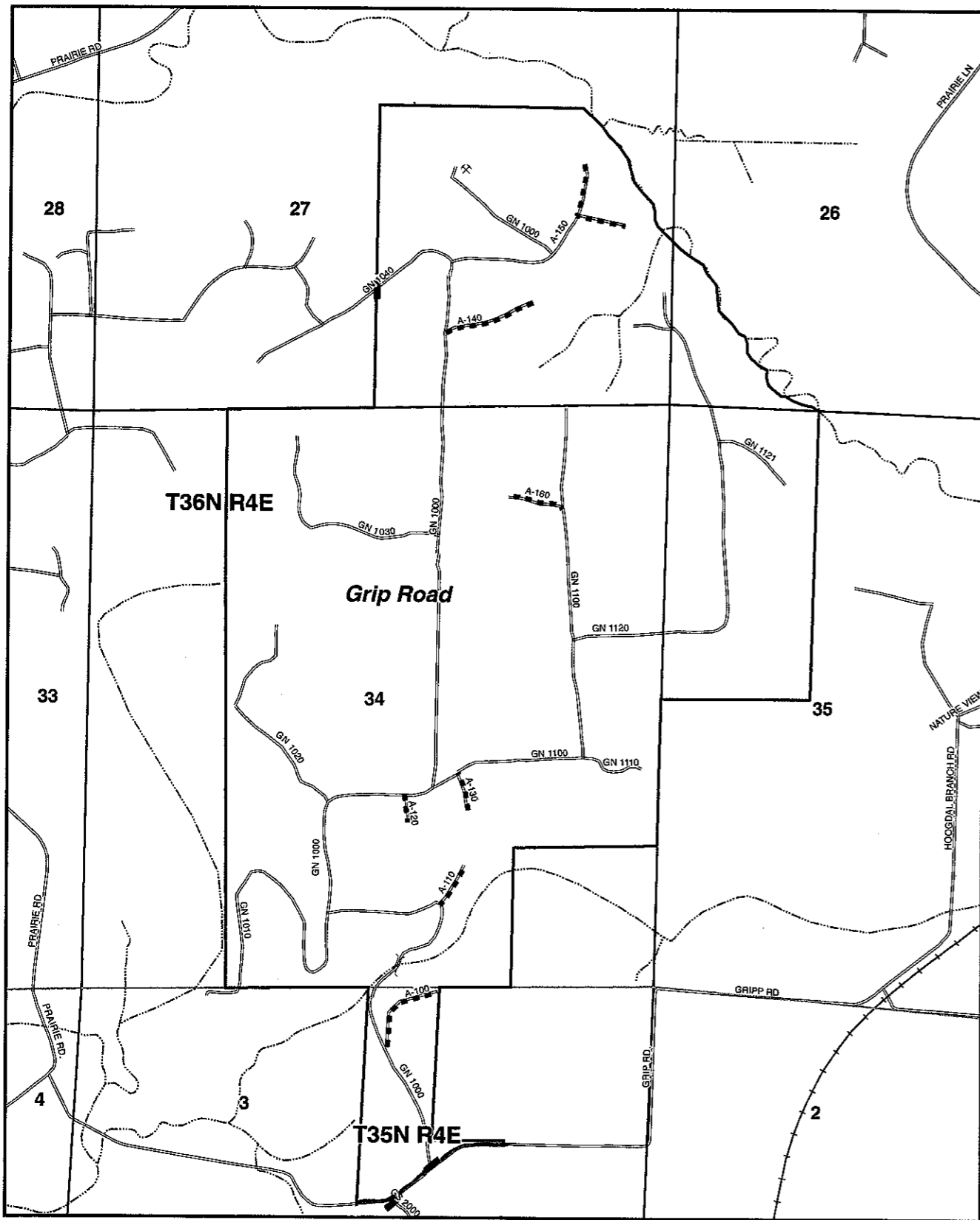
Timber Inventory



	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation

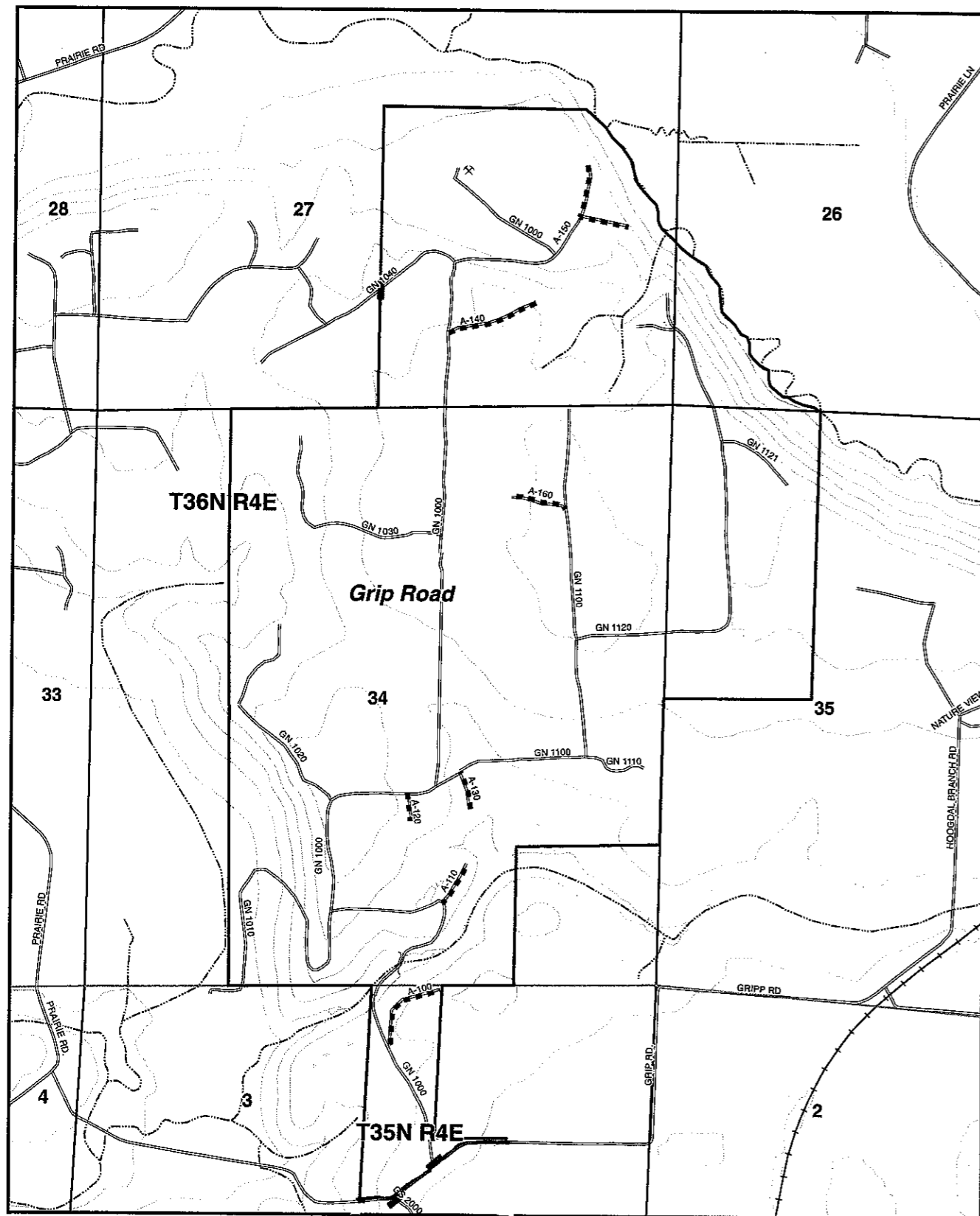
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 1:15,298
 1 inch equals 1,275 feet



	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
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TRILLIUM
Corporation



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	Type		Railroad
	Water Body		Pipeline
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			Quarry

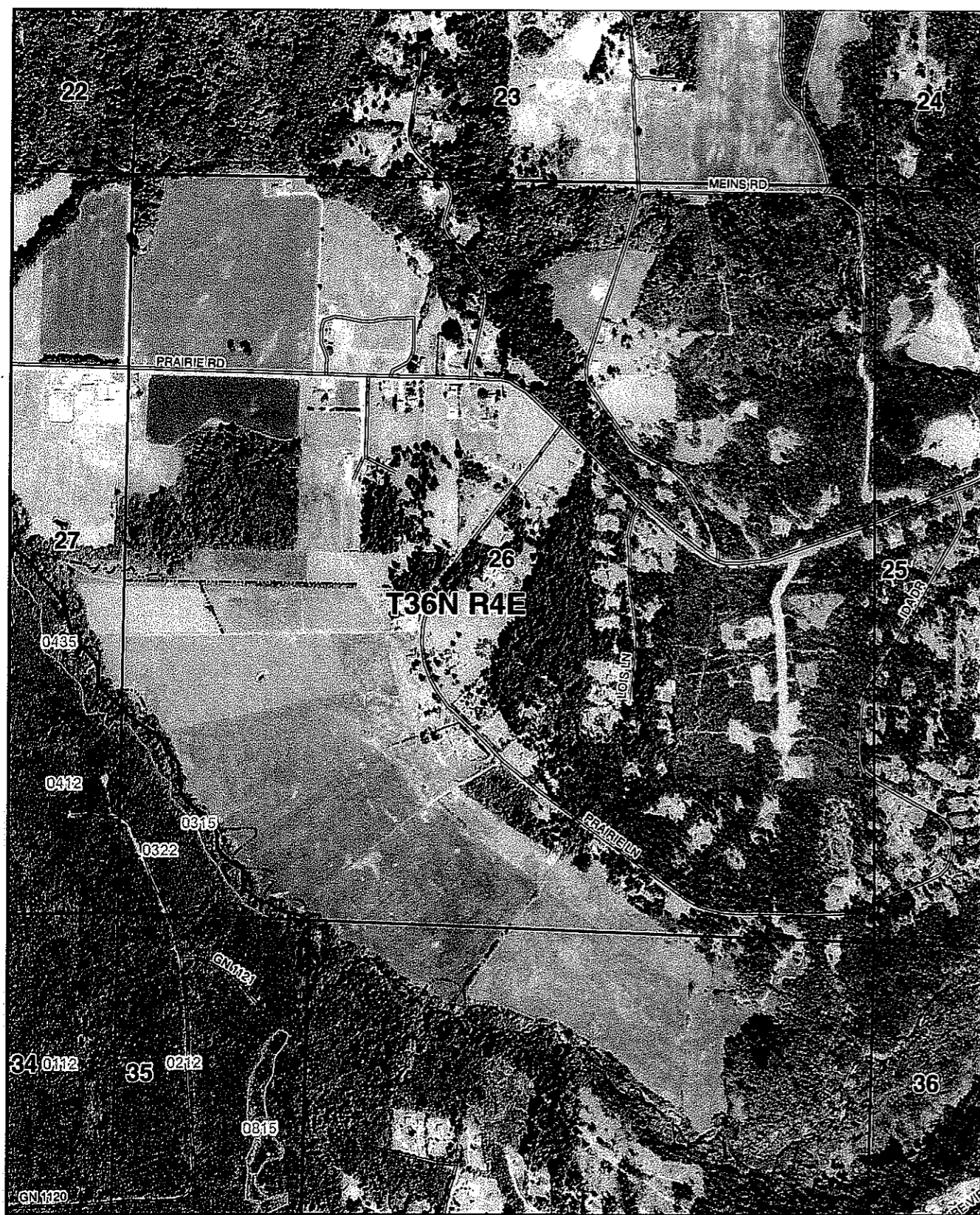
TRILLIUM
Corporation

N
 1:12,000
 1 inch equals 1,000 feet

Project: TRILLIUM

TWP: 35N RGE: 04E SECT: 03 TRACT: GRIPP (51) GROWN DATE: 2009

Type	Acres	See	Date	Age	SI	Spc	T	DBH	FF	Hgt	STK	Total /Ac	BA /Ac	Trees /Ac	Logs /Ac	Avg Log CuFt BdFt	Net Cf/Ac	Net Bf/Ac	Total CUNITS	Total MBF		
0113	27.79	KB	1/1	22	130	DF		8.5		48	124	99.2	250.00	250.0	5	11	1,336	2,627	371	73		
0113	27.79	TYPE																				
0213	33.60	KB	12/8	CLEARCUT																		
0413	38.05	KB	1/1	22	100	RA		6.7		67	31	32.1	129.73	129.7	5	7	704	873	268	33		
0413	38.05	TYPE																				
0423	32.26	KB	1/1	22	100	RA		6.7		67	31	32.1	129.73	129.7	5	7	704	873	227	28		
0423	32.26	TYPE																				
0813	4.69	KB	12/8	RIPARIAN M																		
0902	.73	KB	2/3	POWERLINE																		
RD	3.12	CI	12/8	ROAD																		
27.79	140.23	SECTION SUMMARY																		ACRES	866	134
160.43	TWP	RGE SUMMARY																		ACRES	866	134



	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation



1:12,000
1 inch equals 1,000 feet

TWP: 36N RGE: 04E SECT: 26 TRACT: GRIPP (51) GROWN DATE: 2009

Type	Acres	Sc	Date	Age	SI	Spc	T	DBH	FF	Hgt	STK	BA /Ac	Trees /Ac	Logs /Ac	Avg Log	Net C/Ac	Net B/Ac	Total CUNITS	Total MBF
0315	4.14	KB	2/3																
S Total BUFFER																			
0322	15.21	KB	1/1	17	130	DF					105								319.00
0322	15.21	TYPE									105								319.00
RD	.28	GI	12/8																
19.62 SECTION SUMMARY										ACRES									



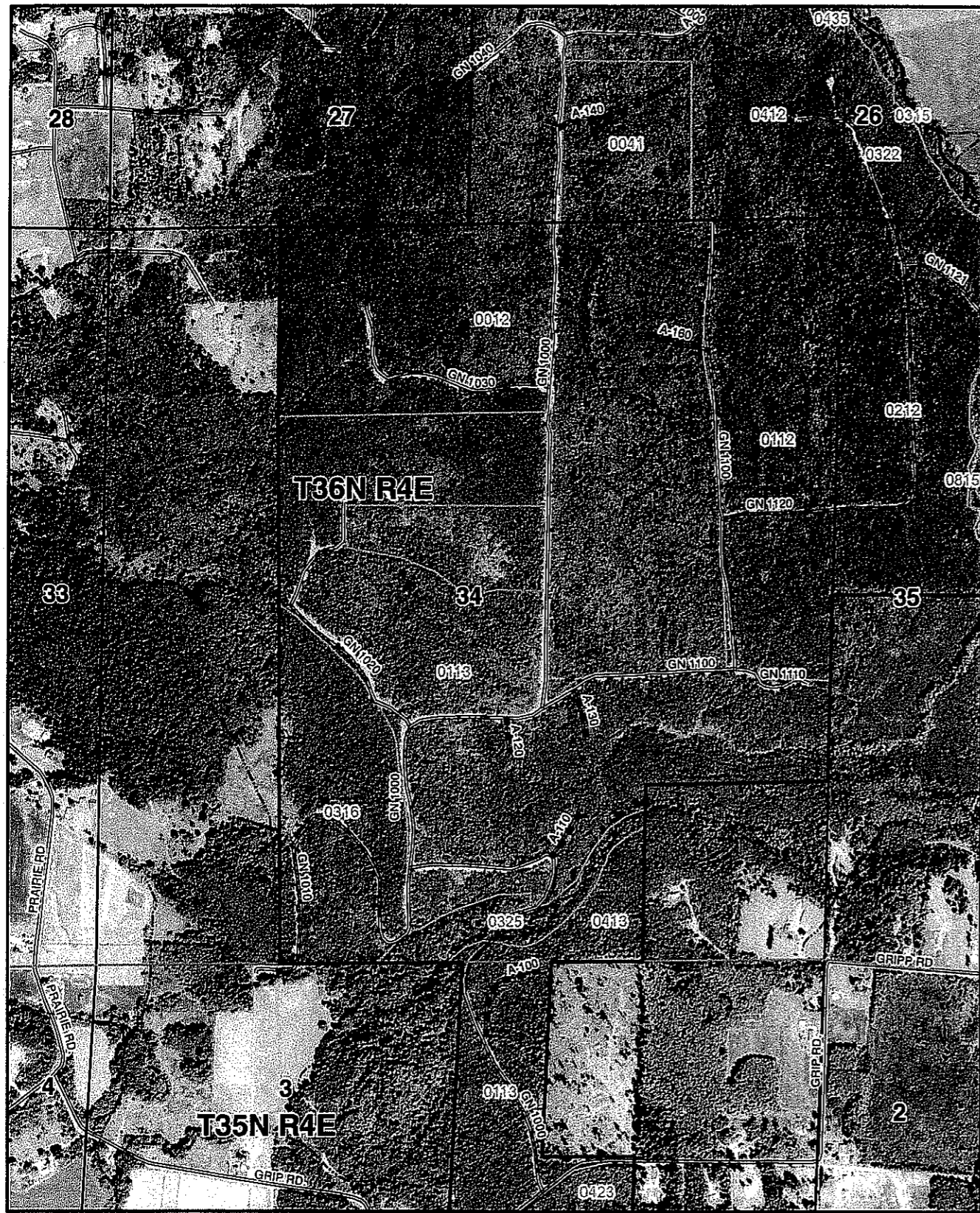
	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation

N
 1:12,000
 1 inch equals 1,000 feet

TWP: 36N RGE: 04E SECT: 27 TRACT: GRIPP (51) GROWN DATE: 2009

Type	Acres	Sc	Date	Age	SI	Sp	T	DBH	FF	Hgt	STK	/Ac	BA	Trees	Logs	Avg Log	Net	Net	Total	Total	
0041	23.38	KB	1/1	10	130	DF					99									298.00	
0041	23.38	TYPE																			
0412	121.12	KB	1/1	17	130	DF					105									319.00	
0412	121.12	TYPE																			
0435	5.60	KB	1/1																		
RD	2.02	GI	12/8																		
152.13 SECTION SUMMARY												ACRES									



	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation

N
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 1 inch equals 1,000 feet

FI PCATALOG		Catalog - Species, Volumes										Page No 17								
Project: TRILLIUM										Date: 1/14/2009										
TWP: 36N RGE: 04E SECT: 34 TRACT: GRIPP (51)										GROWN DATE: 2009										
Type	Acres	Sc	Date	Age	SI	Spc	T	DBH	FF	Hgt	STK	BA /Ac	Trees /Ac	Logs /Ac	Avg Log CuFt	BdFt	Net Cf/Ac	Net B/Ac	Total CUNITS	Total MBF
0012	158.83	KB	1/1	10	130	DF					99		298.00							
0012	158.83	TYPE																		
0112	62.48	KB	1/1	17	130	DF					106		319.00							
0112	62.48	TYPE																		
0113	140.22	KB	1/1	18	130	DF					83		250.00							
0113	140.22	TYPE																		
0316	41.27	KB	1/1	18	130	DF					84		250.00							
0316	41.27	TYPE																		
0325	10.50	KB	2/3	BUFFER																
0413	10.77	KB	1/1	22	130	DF		7.0	48	84	67.5	250.00	250.0	4	7	909	1,787	98	19	
0413	10.77	TYPE																		
RD	7.01	GI	12/8	ROAD																
431.08 SECTION SUMMARY											ACRES		98	19						



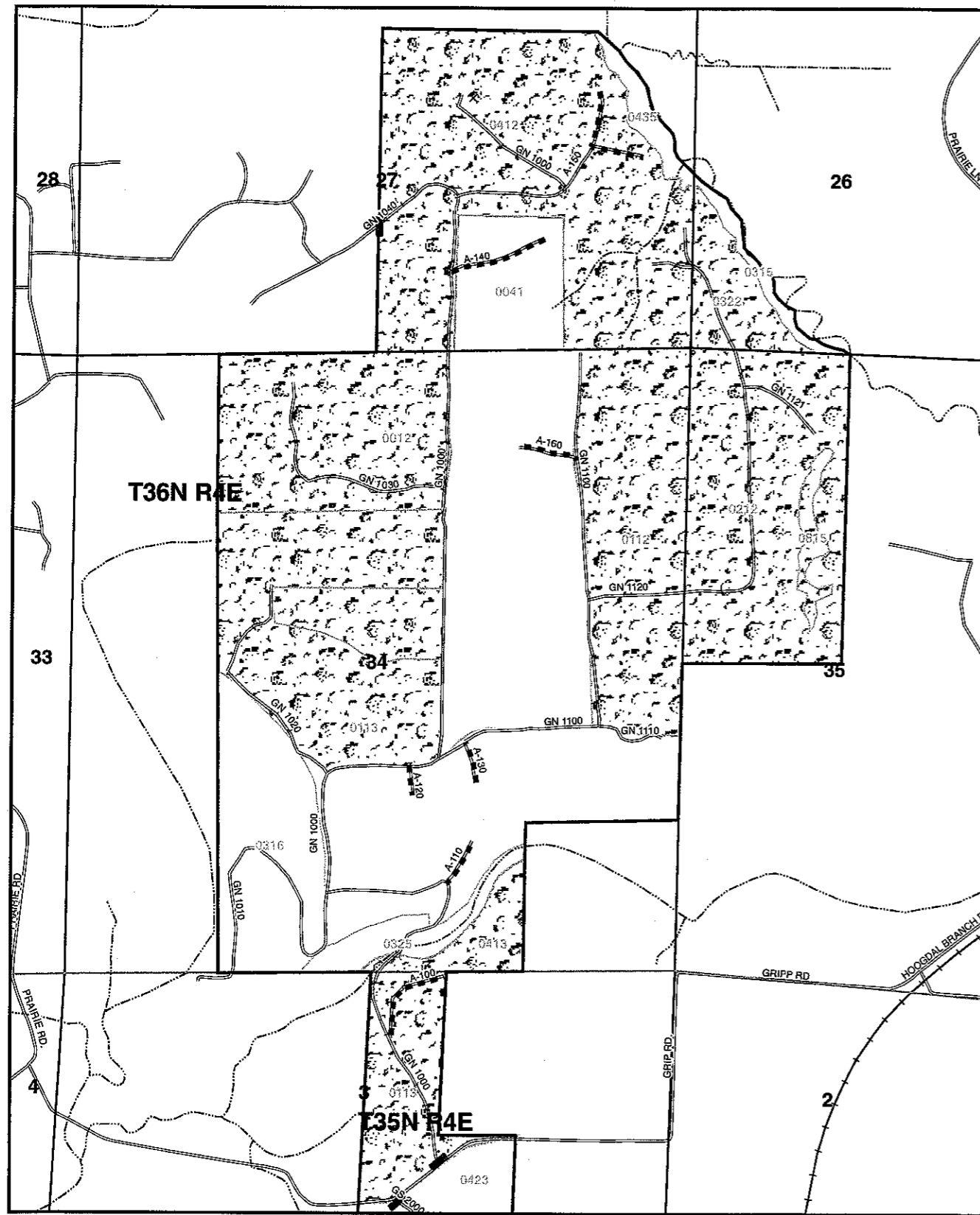
	Ownership		Highway
	Township		Road
	Section		Road (Inactive)
	Type		Railroad
	Water Body		Pipeline
	Watershed		Bridge
	Stream		Gate
	40' Contour		Road Block
			Quarry

TRILLIUM
Corporation

N
 1:12,000
 1 inch equals 1,000 feet

TWP: 36N RGE: 04E SECT: 35 TRACT: GRIPP (51)													GROWN DATE: 2009								
Type	Acres	Sc	Date	Age	SI	Sp	T	DBH	FF	Hgt	STK	BA	Trees	Logs	Avg Log	Net	Net	Total	Total		
												/Ac	/Ac	/Ac	CuFt	BdFt	Cf/Ac	Bf/Ac	CUNITS	MBF	
0212	75.40	KB	1/1	17	130	DF					106		319.00								
0212	75.40	TYPE																			
0815	4.42	KB	12/8																	WEILAND	
RD	1.13	GI	12/8																	ROAD	
80.95 SECTION SUMMARY												ACRES									
1,079.28 TWP RGE SUMMARY												ACRES								98	19

Historical Silviculture Activities



HARDWOOD SLASHING

<table border="0"> <tr><td></td><td>Ownership</td></tr> <tr><td></td><td>Township</td></tr> <tr><td></td><td>Section</td></tr> <tr><td></td><td>Type</td></tr> <tr><td></td><td>Water Body</td></tr> <tr><td></td><td>Watershed</td></tr> <tr><td></td><td>Stream</td></tr> <tr><td></td><td>40' Contour</td></tr> </table>		Ownership		Township		Section		Type		Water Body		Watershed		Stream		40' Contour	<table border="0"> <tr><td></td><td>Highway</td></tr> <tr><td></td><td>Road</td></tr> <tr><td></td><td>Road (Inactive)</td></tr> <tr><td></td><td>Railroad</td></tr> <tr><td></td><td>Pipeline</td></tr> <tr><td></td><td>Bridge</td></tr> <tr><td></td><td>Gate</td></tr> <tr><td></td><td>Road Block</td></tr> <tr><td></td><td>Quarry</td></tr> </table>		Highway		Road		Road (Inactive)		Railroad		Pipeline		Bridge		Gate		Road Block		Quarry
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	Pipeline																																		
	Bridge																																		
	Gate																																		
	Road Block																																		
	Quarry																																		

1:14,276
1 inch equals 1,190 feet

RMAP

ROAD MAINTENANCE AND ABANDONMENT PLAN of
Gripp Road

For Department Use Only			
DNR Region ID	Submittal Date	Approval Date	Type and ID of Other Plans
	Forest Ownership in this DNR Region		HCP:
RMAP ID	Less than 500 Acres []	500 or more Acres []	WSA:
	Plan-Year to Complete All Accomplishments		:

Landowner Name: Trillium Corporation *Org. Unit (if applicable):* _____
Mailing Address: 4350 Cordata Parkway, Bellingham, WA 98226
Contact Person Name: Randy R. Bartelt **Employee of:** Trillium Corporation
Mailing Address: 4350 Cordata Parkway, Bellingham, WA 98226
E-Mail: rrb@trilliumcorp **Phone #:** 360-676-9400 **Cellular #:** 360-676-9400 **Fax #:** 360-738-3042
Acres of Forest Ownership in WA State: 13,674.65 in this DNR Region: 13,674.65 (100 Percent)
Acres Covered in this DNR Region by Previous Plan(s): 7,723.38 by Current RMAP: 941
Percent of Forest Ownership Covered by Previous and Current Plans in this DNR Region: 63%

Conditions Covered In This RMAP

Number of Existing Artificial Fish Passage Barriers at Water Crossings: 1 potential (prop not owned by Trillium)
Approximate Stream Miles of Fish Use Currently Blocked by These Artificial Barriers: <.05
Miles At Standard Stream Adjacent Parallel Rd: 0 Other Forest Rd: 8.461 Orphan Rd: .69
Miles Below Standard Stream Adjacent Parallel Rd: 0 Other Forest Rd: .51 Orphan Rd: 0

Proposed Work Covered In This RMAP


Abandon Crossings On Water With Fish Bearing Capacity: 0 Other Water Crossings: 0
Abandon Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: 0 Orphan Rd: 0
Improve Crossings On Water With Fish Bearing Capacity: 1 Other Water Crossings: 10
Improve Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: .51 Orphan Rd: 0
Maintain Crossings On Water With Fish Bearing Capacity: 3 Other Water Crossings: 50
Maintain Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: 8.461 Orphan Rd: 0

Accomplishments Completed SINCE March 20, 2000 In The Area Covered In This RMAP

Number of Removed Artificial Fish Passage Barriers at Water Crossings: 0
Approximate Stream Miles Opened for Fish Use by Removing These Artificial Barriers: 0
Abandoned Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: 0 Orphan Rd: .69
Improved Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: <.1 (bridge) Orphan Rd: 0

Optional: Accomplishments Completed BEFORE March 20, 2000 In The Area Covered In This RMAP

Number of Removed Artificial Fish Passage Barriers at Water Crossings: 0
Approximate Stream Miles Opened for Fish Use by Removing These Artificial Barriers: 0
Abandoned Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: 0 Orphan Rd: 0
Improved Miles of Stream Adjacent Parallel Rd: 0 Other Forest Rd: 0 Orphan Rd: 0

Date: 7 / 8 / 02 **Landowner/Designee Signature:** 
Printed Name: Randy R. Bartelt

Project SCHEDULING Table C
 Long-term Road Maintenance and Abandonment Plan (RMAP) Worksheet
 Gripp Road Parcel

Owner ID	Region	For Department Use Only	Organization Unit ID Code
RMAP ID Code	Actual Submittal Date of Acceptable RMAP		

Landowner Information

Name: Trillium Corporation
 Mailing Address: 4350 Cordata Parkway
 Address: Bellingham WA 98226

Organization Unit Information (if applicable)

Name: _____
 Mailing Address: _____
 Address: _____

DNR Region: Northwest Region

Contact Person Information

Name: Randy R. Bartelt
 Mailing Address: 4350 Cordata Parkway
 Address: Bellingham WA 98226
 E-mail Address: rrb@trilliumcorp.com
 Phone #: 360-676-9400
 Cellular #: 360-739-6681
 Employee of: Trillium Corporation
 Fax #: 360-738-3042

Name / ID	Road Elements (Segments and Features)			DNR Issued RMB ID	WAU ID	Condition	Work	Work Code	Year When Work		Project Code
	Number (A)	Category Code (B)	Milepost From To						Begins	Ends (C)	
GN-1000	1	5	0.08	B008	30301	CM	CM-1				
GN-1000	2	5	0.1	B008	30301	CD	CD-1		2003		
GN-1000	3	5	0.122	B008	30301	CM	CM-1				
GN-1000	4	9	0.2	B008	30301	A-100 JUNCTION	CM-1				
GN-1000	5	5	0.21	B008	30301	CM	CM-1				
GN-1000	6	5	0.3	B008	30301	CM	CM-1				
GN-1000	7	4	0.34	B008	30301	BRN	BR-1				
GN-1000	8	5	0.38	B008	30301	CM	CM-1				
GN-1000	9	5	0.39	B008	30301	WB	WB-1				
GN-1000	10	9	0.5	B008	30301	A-110 JUNCTION	CM-1				
GN-1000	11	5	0.6	B008	30301	CM	CM-1				
GN-1000	12	9	0.7	B008	30301	GN 1010 JUNCTION					
GN-1000	13	9	0.9	B008	30301	GN 1020 JUNCTION					
GN-1000	14	9	1	B008	30301	A-120 JUNCTION					
GN-1000	15	9	1.1	B008	30301	GN 1100 JUNCTION					

(A) Road Element Number: Sequential numbers identifying consecutive elements of the same forest practices road are preferred.

(B) Road Element Category Code: Stream Adjacent Parallel Road Segment:1; Other Forest Road Segment:2; Orphan Road Segment:3;

(C) Year When Work Ends: Please, enter 1999 for accomplishments completed before March 20, 2000.

Project SCHEDULING Table C (Continued)

For Department Use Only

DNR Issued RMAP ID:

- (A) Road Element Number: Sequential numbers identifying consecutive elements of the same forest practices road are preferred.
- (B) Road Element Category Code: Stream Adjacent Parallel Road Segment:1; Other Forest Road Segment:2; Orphan Road Segment:3; Crossing on Water with Fish Bearing Capacity:4; Other Water Crossing:5; Landing:6; Rock Quarry, Gravel/Borrow Pit:7; Disposal Site:8; and Intersection:9.
- (C) Year When Work Ends: Please, enter 1999 for accomplishments completed before March 20, 2000.

Name / ID	Road Elements (Segments and Features)			DNR Issued RMB ID	WAU ID	Condition	Work	Work Code Maintenance: 1 Improvement: 2 Abandonment: 3	Year When Work		Project Code Scheduled in This RMAP: 1 Completed Since 9/20/00: 2 Completed Before 9/20/00: 3
	Number (A)	Category Code (B)	Milepost From To						Begins	Ends (C)	
GN-1000	16	5	1.12	B008	30301	CM	CM1	1			
GN-1000	17	5	1.2	B008	30301	CM	CM1	1			
GN-1000	18	5	1.22	B008	30301	CM	CM1	1			
GN-1000	19	5	1.4	B008	30301	WD	WD1	2	2003		1
GN-1000	20	9	1.51	B008	30301	GN 1030 JUNCTION					
GN-1000	21	9	1.9	B008	30301	A-140 JUNCTION					
GN-1000	22	5	1.91	B008	30301	CA	CA1	2	2003		
GN-1000	23	9	2	B008	30301	GN 1040 JUNCTION					
GN-1000	24	5	2.05	B008	30301	CA	CA1	2	2003		
GN-1000	25	5	2.15	B008	30301	CB	CB1	2	2003		1
GN-1000	26	5	2.18	B008	30301	CB	CB1 (replace)	2	2003		1
GN-1000	27	5	2.2	B008	30301	RSF	RSF1 (ditch out)	2	2003		
GN-1000	28	9	2.2	B008	30301	A-150 JUNCTION					
GN-1000	29	7	2.5	B008	30301	GRAVEL PIT					
GN-1000	30	6	2.5	B008	30301	END					
GN-1000	31	2	2.5	B008	30301	RN	RN2	1			
GN-1010	1	5	0.1	B008	30301	CM	CM1	1			
GN-1010	2	5	0.4	B008	30301	CM	CM1	1			
GN-1010	3	6	0.51	B008	30301	END					
GN-1010	4	2	0.51	B008	30301	RSD	RSD1	2	2003		1
GN-1020	1	6	0.3	B008	30301	END					
GN-1020	2	2	0.3	B008	30301	RN	RN2	1			
GN-1030	1	5	0.2	B008	30301	CM	CM1	1			
GN-1030	2	5	0.25	B008	30301	CM	CM1	1			
GN-1030	3	6	0.3	B008	30301	END					
GN-1030	4	2	0.3	B008	30301	RN	RN2	1			
GN-1040	1	5	0	B008	30301	CB	CB1	2	2003		
GN-1040	2	5	0.8	B008	30301	CD	CD1 (18")	2	2003		1
GN-1040	3	5	0.1	B008	30301	CB	CB1	2	2003		
GN-1040	4	6	0.15	B008	30301	END					

Project SCHEDULING Table C (Continued)

For Department Use Only

DNR Issued RMAP ID:

Name / ID	Road			DNR Issued RMB ID	WAU ID	Condition	Work	Work Code	Year When Work		Project Code
	Elements (A)	Category Code (B)	Milepost From To						Begins	Ends (C)	
GN-1040	5	2	0 0.15	B008	30301	RN	RN2		1		
GN-1100	1	5	0.009	B008	30301	CM	CM1				
GN-1100	2	9	0.01	B008	30301	A-130 JUNCTION					
GN-1100	3	4	0.05	B008	30301	CM	CM1				
GN-1100	4	5	0.18	B008	30301	CM	CM1				
GN-1100	5	5	0.03	B008	30301	CM	CM1				
GN-1100	6	9	0.2	B008	30301	GN-110 JUNCTION					
GN-1100	7	9	0.4	B008	30301	GN-1120 JUNCTION					
GN-1100	8	9	0.7	B008	30301	A-160 JUNCTION					
GN-1100	9	6	0.82	B008	30301	END					
GN-1100	10	2	0.82	B008	30301	RN	RN2				
GN-1120	1	5	0.054	B008	30301	CM	CM1				
GN-1120	2	5	0.15	B008	30301	CM	CM1				
GN-1120	3	9	0.58	B008	30301	GN-1121 JUNCTION					
GN-1120	4	5	0.6	B008	30301	CM	CM1				
GN-1120	5	5	0.65	B008	30301	CM	CM1				
GN-1120	6	5	0.7	B008	30301	CM	CM1				
GN-1120	7	5	0.8	B008	30301	CM	CM1				
GN-1120	8	6	0.81	B008	30301	END					
GN-1120	9	2	0.81	B008	30301	RN	RN2				
GN-1121	1	5	0.02	B008	30301	CM	CM1				
GN-1121	2	6	0.15	B008	30301	END					
GN-1121	3	2	0.15	B008	30301	RN	RN2				
GN-1110	1	5	0.01	B008	30301	CM	CM1				
GN-1110	2	6	0.11	B008	30301	END					
GN-1110	3	2	0.11	B008	30301	RN	RN2				

(A) Road Element Number: Sequential numbers identifying consecutive elements of the same forest practices road are preferred.

(B) Road Element Category Code: Stream Adjacent Parallel Road Segment:1; Other Forest Road Segment:2; Orphan Road Segment:3;

Crossing on Water with Fish Bearing Capacity:4; Other Water Crossing:5; Landing:6; Rock Quarry, Grave/Borrow Pit:7; Disposal Site:8; and Intersection:9.

(C) Year When Work Ends: Please, enter 1999 for accomplishments completed before March 20, 2000.

Project SCHEDULING Table C (Continued)

For Department Use Only

DNR Issued RMAP ID:

- (A) Road Element Number: Sequential numbers identifying consecutive elements of the same forest practices road are preferred.
- (B) Road Element Category Code: Stream Adjacent Parallel Road Segment:1; Other Forest Road Segment:2; Orphan Road Segment:3; Crossing on Water with Fish Bearing Capacity:4; Other Water Crossing:5; Landing:6; Rock Quarry, Gravel/Borrow Pit:7; Disposal Site:8; and Intersection:9.
- (C) Year When Work Ends: Please, enter 1999 for accomplishments completed before March 20, 2000.

Name / ID	Elements Number (A)	Road Category (B)	Road (Segments and Features)		DNR Issued RMB ID	WAU ID	Condition	Work	Work Code	Year When Work		Project Code
			From Milepost	To Milepost						Begins	Ends (C)	
GS-2000	1	gate		0	B008	30301						Scheduled in This RMAP: 1 Completed Since 3/2000 : 2 Completed Before 3/2000 : 3
GS-2000	2			0.1	B008	30301	GS-2001 JUNCTION					
GS-2000	3			0.11	B008	30301	CM	CM1	1			
GS-2000	4			0.15	B008	30301	BEGIN PRIVATE PROPERTY					
GS-2000	5			0.25	B008	30301	PRIVATE RD JUNCTION					
GS-2000	6			0.35	B008	30301	CM	CM1	1			
GS-2000	7			0.5	B008	30301	CF	CF1	2	2003		1
GS-2000	8			0.6	B008	30301	PRIVATE RD JUNCTION					
GS-2000	9			0.61	B008	30301	CM	CM1	1			
GS-2000	10			0.7	B008	30301	CM	CM1	1			
GS-2000	11			0.77	B008	30301	BEGIN TRILLIUM PROPERTY					
A-100	1			0.2	B008	30301	RSM	RSM3	3		1999	3
A-110	1			0.06	B008	30301	RSM	RSM3	3		1999	3
A-120	1			0.04	B008	30301	RSM	RSM3	3		1999	3
A-130	1			0.05	B008	30301	RSM	RSM3	3		1999	3
A-140	1			0.1	B008	30301	RSM	RSM3	3		1999	3
A-150	1			0.15	B008	30301	RSM	RSM3	3		1999	3
A-160	1			0.09	B008	30301	RSM	RSM3	3		1999	3

Project SCHEDULING Table C (Continued)

For Department Use Only

DNR Issued RMAP ID:

- (A) Road Element Number: Sequential numbers identifying consecutive elements of the same forest practices road are preferred.
- (B) Road Element Category Code: Stream Adjacent Parallel Road Segment:1; Other Forest Road Segment:2; Orphan Road Segment:3; Crossing on Water with Fish Bearing Capacity:4; Other Water Crossing:5; Landing:6; Rock Quarry, Grave/Borrow Pit:7; Disposal Site:8; and Intersection:9.
- (C) Year When Work Ends: Please, enter 1999 for accomplishments completed before March 20, 2000.

Name / ID	Elements Number (A)	Road Category Code (B)	Road Segments and Features		DNR RMB ID	WAU ID	Condition	Work	Work Code	Year When Work		Project Code
			From Milepost	To Milepost						Begins	Ends (C)	
GS-2200	1	5	0.08		B008	30301	CM	CM1	Maintenance: 1 Improvement: 2 Abandonment: 3	1		Scheduled in This RMAP: 1 Completed Since 3/20/00: 2 Completed Before 3/20/00: 3
GS-2200	2	5	0.25		B008	30301	CM	CM1		1		
GS-2200	3	9	0.27		B008	30301	GS-2210 JUNCTION					
GS-2200	4	6	0.33		B008	30301	END					
GS-2200	5	2	0.33	0	B008	30301	RN	RN2		1		
GS-2210	1	9	0.1		B008	30301	GS-2211 JUNCTION					
GS-2210	2	6	0.2		B008	30301	END					
GS-2210	3	2	0.2	0	B008	30301	RN	RN2		1		
GS-2211	1	6	0.1		B008	30301	END					
GS-2211	2	2	0.1	0	B008	30301	RN	RN2		1		
GS-2220	1	6	0.1		B008	30301	END					
GS-2220	2	2	0.1	0	B008	30301	RN	RN2		1		
GS-2010	1	6	0.1		B008	30301	END					
GS-2010	2	2	0.1	0	B008	30301	RN	RN2		1		

ISSUES AND SOLUTIONS Table B

For Department Use Only			
Owner ID:	10134	Region ID:	S
Org. Unit ID code:		RMAP ID Code:	

Issue		Solution	
ID	Descriptions	ID	Descriptions
RN	No public resource issue is associated with the Forest Road	RN1	No Action
		RN2	Routine maintenance
		RN3	Abandonment
RS	Potential or actual public resource issues are associated with the Forest Road during storm events	RS1	Preventive maintenance
		RS2	Emergency maintenance
		RS3	Recovery maintenance
		RS4	Abandonment
RG	Potential or actual public resource issues are associated with the Forest Road in general	RG1	General improvement
		RG2	General abandonment
CA	Average distance between relief culvert or other drainage structures is to great	CA1	Install relief culvert
		CA2	Install water bar
WB	Existing water bar location	WB1	Routine maintenance
CU	Undersized culvert that has potential to impact public resources	CU1	Replace with 18 inch pipe
		CU2	Replace with 24 inch pipe
		CU3	Replace with 36 inch pipe
		CU4	Replace with 48 inch pipe
CD	Damaged culvert or other drainage structure	CD1	Replace
		CD2	Repair
		CD3	Remove and install water bar
CB	Inadequate or inadequately functioning basin	CB1	Clean, repair, reconstruct as needed to restore proper function
CH	Inadequate headwall	CH1	Repair, reconstruct
		CH2	Install rock
CO	Outflow obstructed	CO1	Clear obstructions
CE	Discharge onto erodible soil or fill without adequate outfall protection	CE1	Install Flume
		CE2	Install energy dissipaters
CF	Fish blockage	CF1	Remove or replace blockage with structures that provide passage for fish of all life stages
CM	No public resource issue	CM1	Routine maintenance
WD	Water is diverted down ditch away from natural drainage	WD1	Install drainage structure in natural drainage
WT	Road drainage is connected to typed waters or Type A or Type B wetland	WT1	Install relief culvert to disconnect drainage from typed waters of Type A or Type B wetland
		WT2	Install water bar or ditch out to disconnect drainage from type waters and wetlands
WS	Seeps or springs diverted down ditch	WS1	Install water bar
		WS2	Install culvert to route accumulated water across road
WL	Low spot in road, contour, or other physical attribute that results in water sitting on or running down road segment	WL1	Add ballast and reshape road, and or open ditches to keep water from sitting on road
		WL2	Construct water bar and or ditch out to divert water onto forest floor away from drainage's
		WL3	Install relief culvert
WA	Approaches to water crossing with a potential that surface sediment might enter stream	WA1	Apply special surfacing to the approach and/or use other adequate technique
WW	Blocked water movement within wetlands	WW1	Re-establish water movement within wetlands

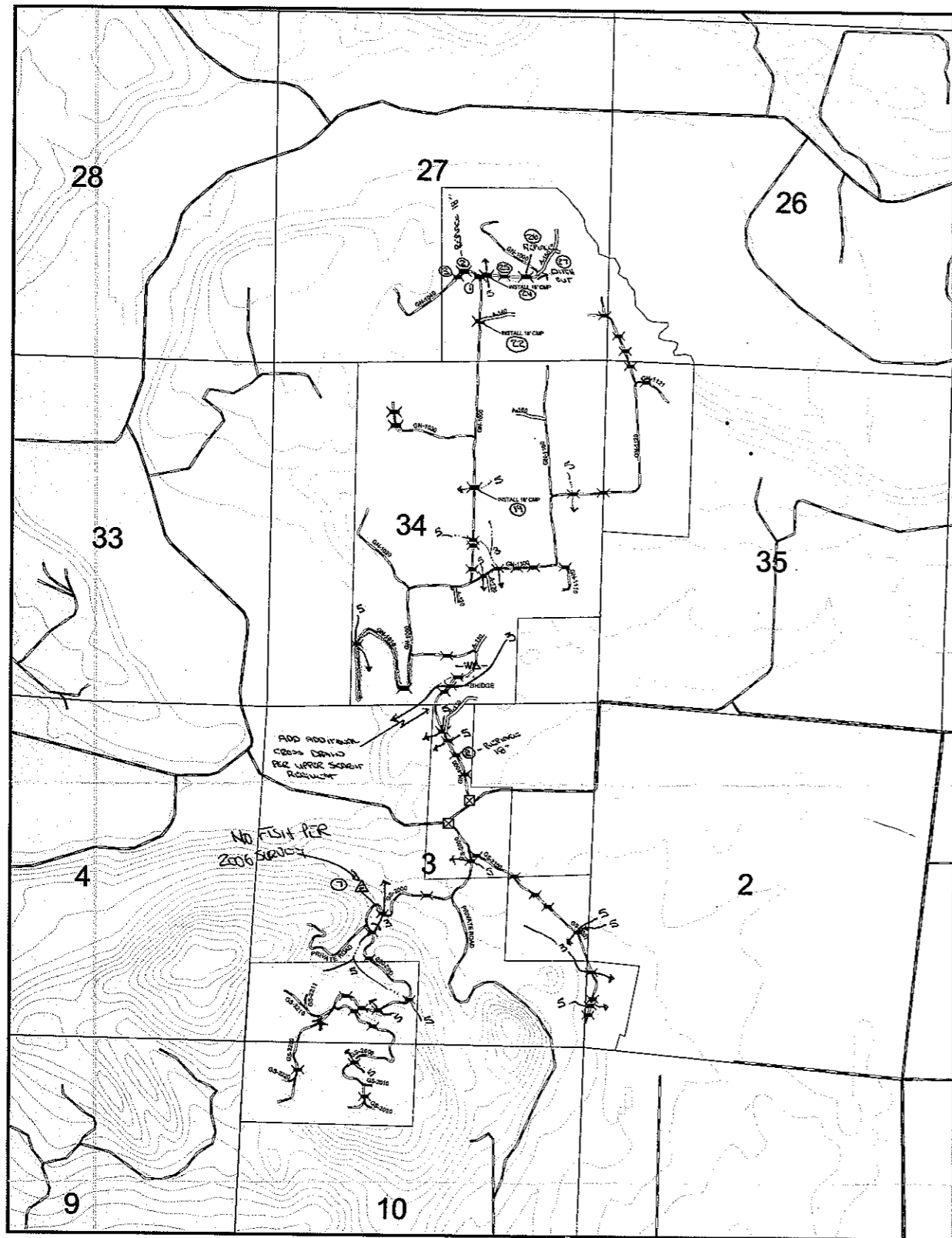
ISSUES AND SOLUTIONS Table B

MU	Evidence of unstable soils	WU1	Mass wasting/hazard related general improvement
		WU2	Mass wasting/hazard abandonment
MS	Side slope exceeds 60%	WS1	Full bench construction with end hauling overhauling or other special techniques
RSP	Stream adjacent parallel road	RSP1	Water and erosion related improvement if necessary
		RSP2	Water and erosion related abandonment
		RSP3	Install Silt Fence or other erosion control device.
RSD	Road segment is not outsloped or ditched on the uphill side, or berm on outside of road channels water down road segment	RSD1	Install ditch, repair ditch, outslope, or use other techniques to assure water is removed from road surface and diverted onto the forest floor
RSF	Road crosses flat contours, with inadequate ditches, water bars or outsloping resulting in water accumulating on road surface	RSF1	Install ditch, outslope, install waterbars or use other techniques to remove water from road surface and divert onto the forest floor
RSM	Road, or road segment that has not been maintained	RSM1	Re-open to current standards
		RSM2	Abandon
		RSM3	No public resource issue is associated with the Forest Road-----No action
		RSM4	Remove existing culvert
		RSM5	Armor downstream embankment
BRN	Bridge meets current standards	BR1	No action
BRU	Bridge undersized to meet current HPA standards	BR2	Construction/reconstruction with bridge in accordance with HPA
BRR	Damaged	BR3	Repair decking, stringers, cribbing or total bridge replacement to meet current standards
BRE	Potential for Earthen materials used for surfacing or approaches to enter directly into the stream bed	BR4	Use only clean sorted gravel, and install geotextile lining and curbs of sufficient size to the height above the surface material
		BR5	Apply special surfacing to the approach and/or use other adequate technique

Date: 7/8/02

Landowner/Designee Signature: 

Printed Name: RANDY R. BARTLETT



Project: *Road Maintenance*
 Owner ID: 10134
 RMAP ID Code: B008
 WAU ID: 30301
 Parcel: GRIP ROAD # 51
 Legal: 26, 27, 34, 35 (36-4)
 Contact: Randy R. Bartelt
 Date: _____
 Drawn By: SCL

NOTES:

- Ⓝ ROAD ELEMENT NUMBER
- ▲ POTENTIAL FISH BLOCKAGE
- ▬ ROAD SCHEMOR BUCK STATIONED

- Transportation/Roads
- Abandoned
- Active
- Public
- 40' Contours Topography
- Rivers/Streams
- Existing Culverts

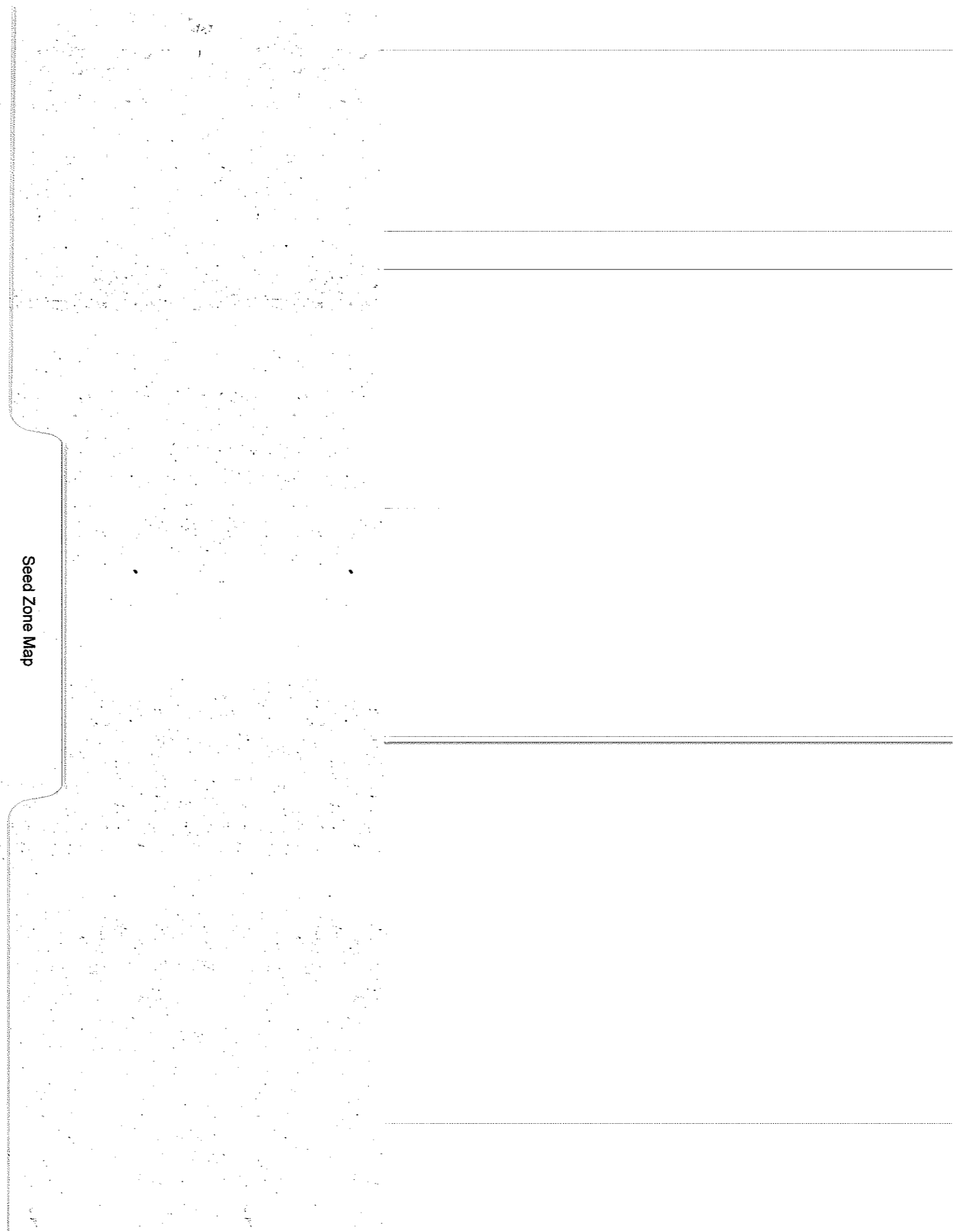


NOT TO SCALE



- ALL WORK COMPLETE IN 2006, FISH SURVEY COMPLETE IN 2006

Seed Zone Map



SEED ZONE MAP

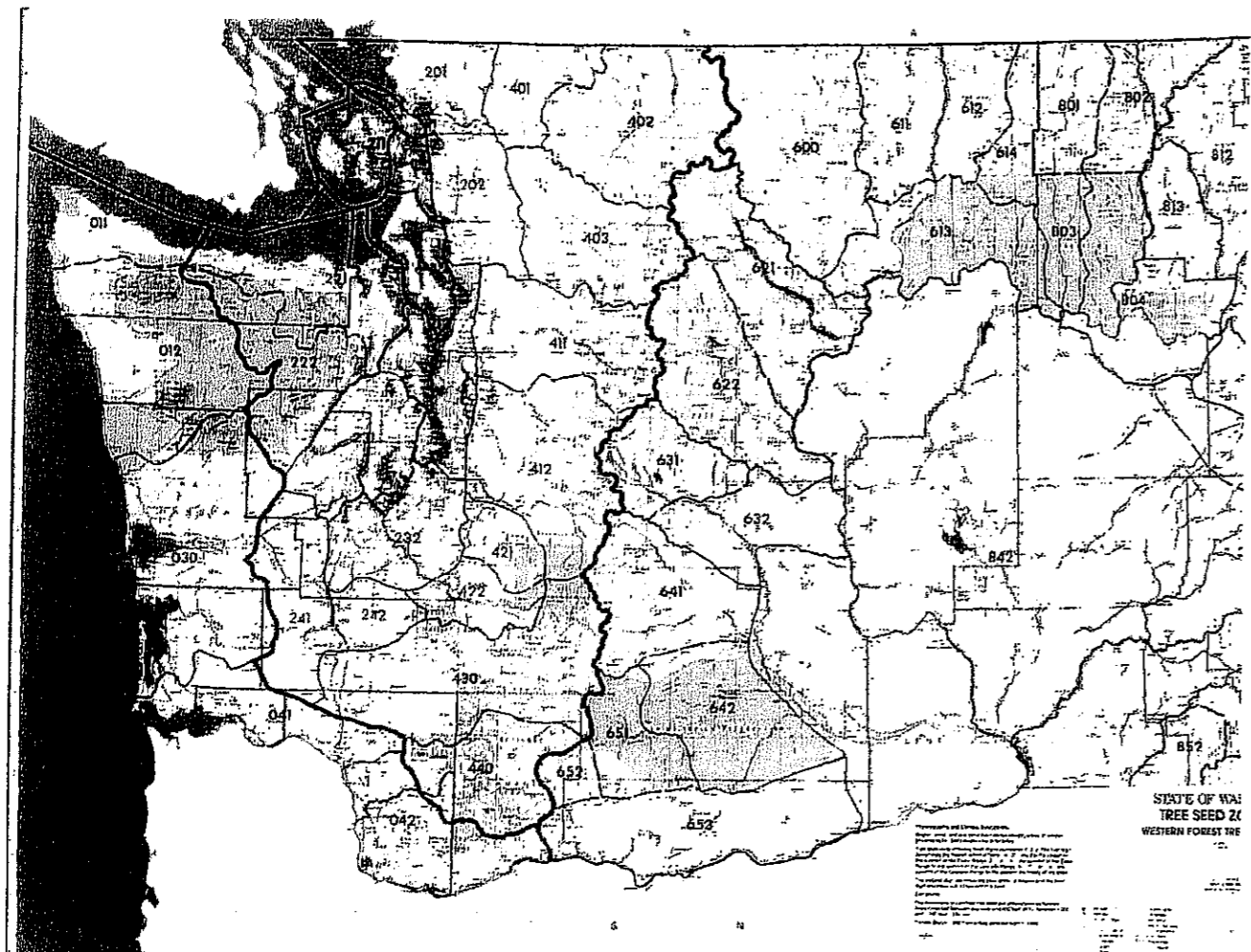


EXHIBIT B



Forest Practices Application/Notification
Notice of Decision

FPA/N No: 2816283
Effective Date: 4/4/2018
Expiration Date: 4/4/2021
Shut Down Zone: 653
EARR Tax Credit: [] Eligible [x] Non-eligible
Reference: Grip Road Gravel Mine

Decision

- [] Notification Operations shall not begin before the effective date.
[x] Approved This Forest Practices Application is subject to the conditions listed below.
[] Disapproved This Forest Practices Application is disapproved for the reasons listed below.
[] Closed Applicant has withdrawn FPA/N.

FPA/N Classification

Number of Years Granted on Multi-Year Request

[] Class II [] Class III [x] Class IVG [] Class IVS [] 4 years [] 5 years

Conditions on Approval / Reasons for Disapproval

Prior to truck haul:

Sediment catchment basins shall be constructed with quarry spill check-dams in the ditchlines, from both directions, leading to the bridge crossing of Swede Creek. These catchment basins shall be maintained during rock haul activities.

An 18" cross-drain culvert shall be installed to the north of the smaller stream crossing to divert ditch water to the forest floor, away from the stream.

Issued By: David Klingbiel [Signature] Region: Northwest

Title: Chuckanut Forest Practice Forester Date: 4/4/2018

Copies to: [x] Landowner, Timber Owner and Operator.

Issued in person: [] Landowner [] Timber Owner [] Operator By: _____

Appeal Information

You have thirty (30) days to appeal this Decision and any related State Environmental Policy Act determinations to the Pollution Control Hearings Board in writing at the following addresses:

Physical address: 1111 Israel Rd. SW, Ste 301, Tumwater, WA 98501

Mailing address: P.O. BOX 40903, OLYMPIA, WA 98504-0903

Information regarding the Pollution Control Hearings Board can be found at: <http://www.eluho.wa.gov/>

At the same time you file an appeal with the Pollution Control Hearings Board, also send a copy of the appeal to the Department of Natural Resources' region office and the Office of the Attorney General at the following addresses:

Office of the Attorney General
Natural Resources Division
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

And

Department Of Natural Resources
Northwest Region
919 N Township St
Sedro-Woolley WA 98284

Other Applicable Laws

Operating as described in this application/notification does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.

Transfer of Forest Practices Application/Notification (WAC 222-20-010)

Use the "Notice of Transfer of Approved Forest Practices Application/Notification" form. This form is available at region offices and on the Forest Practices website: <http://www.dnr.wa.gov/businesspermits/forestpractices>. Notify DNR of new Operators within 48 hours.

Continuing Forest Land Obligations (RCW 76.09.060, RCW 76.09.070, RCW 76.09.390, and WAC 222-20-055)

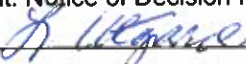
Obligations include reforestation, road maintenance and abandonment plans, conversions of forest land to non-forestry use and/or harvest strategies on perennial non-fish habitat (Type Np) waters in Eastern Washington.

Before the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations, the seller must notify the buyer of such an obligation on a form titled "Notice of Continuing Forest Land Obligation". The seller and buyer must both sign the "Notice of Continuing Forest Land Obligation" form and send it to the DNR Region Office for retention. This form is available at DNR region offices.

If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the buyer in enforcing the continuing forest land obligation against the seller.

Failure by the seller to send the required notice to the DNR at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

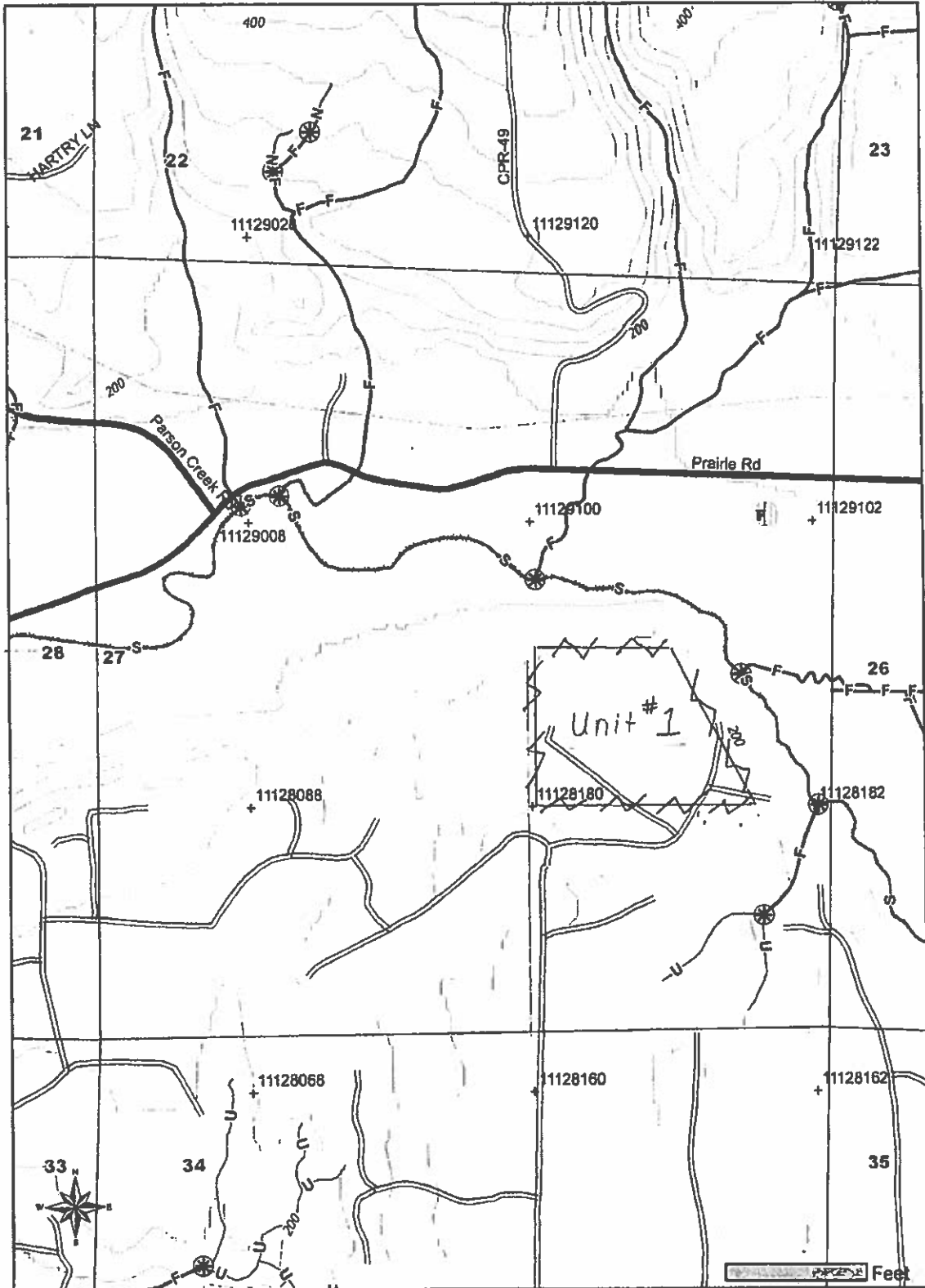
DNR affidavit of mailing:

On this day <u>4/5/2018</u>	I placed in the United States mail at <u>Sedro-Woolley</u>	, WA,
(date)	(post office location)	
postage paid, a true and accurate copy of this document. Notice of Decision FPA # <u>2816283</u>		
<u>L Utgard</u>		
(Printed name)	(Signature)	

FOREST PRACTICE ACTIVITY MAP

TOWNSHIP 36 NORTH HALF 0, RANGE 04 EAST (W.M.) HALF 0, SECTION 27

Application #: _____



Please use the legend from the FPA Instruction or provide a list of symbols used.

 Unit boundary # 1

Date: 3/8/2016 Time: 11:29:52 AM
NAD 83
Contour Interval: 40 Feet

42816283

EXHIBIT C



Skagit County Planning & Development Services

1800 Continental Place • Mount Vernon, WA 98273 • Phone (360) 336-9410 • Fax (360) 336-9416
pds@co.skagit.wa.us • www.skagitcounty.net/planning

September 22, 2016

Ms. Braelyn Hamilton, Forest Practices
Department of Natural Resources
919 North Township Street
Sedro-Woolley, WA 98284

RE: Forest Practice Conversion Application for Concrete Nor'West, PL16-0098.

Dear Ms. Hamilton,

The County has completed the review for forest practice conversion application PL16-0098 and has no further concerns regarding the issuance of a Class IV G forest practice application provided the conditions in the Terms & Conditions of the SEPA threshold determination are included as conditions on the forest practice application/permit. The applicant intend to convert the land to a gravel mining operation which will include excavating and exporting 4,280,000 cubic yards of sand and gravel from existing resources onsite. This proposal for a gravel mine onsite requires issuance of a mining special use permit PL16-0097 from Skagit County Planning and Development Services which is currently in process. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

John Cooper, LG.
Planner/Geologist

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
PL16-0097 & PL16-0098

PROJECT DESCRIPTION: On March 7, 2016, Concrete Nor'west filed an application for a forest practice conversion (PL16-0098) and mining special use permit (PL16-0097) to develop a gravel mining operation on parcels P50155, P123644 & P125645. To facilitate development, the applicant proposes to harvest approximately 50,000 board feet of timber on 68 acres, remove the stumps, and convert the parcels to a gravel mining operation. The gravel mining operation will remove approximately 4,280,000 cubic yards of gravel from the site over an approximately 25 year period. Gravel will be removed from the site by truck and trailer, generating about 46 truck trips per day. The material will be transported to one of Concrete Nor'wests nearby facilities for processing. Operations onsite will be limited to excavation and removal from the site. No processing is proposed onsite at this time. The site is accessed from Grip Road on an existing private gravel road. The subject site is located within the mineral resource overlay and the Rural Resource-Natural Resource Land zoning/comprehensive plan designated area. Both applications were determined to be complete on March 22, 2016 and a letter of completeness was issued for the applications. For additional information contact the County.

Proponent: Concrete Nor'west, PO Box 280, Mount Vernon, WA 98273

Location of proposal: The subject site is located north of Grip Road and south of the Samish River, within a portion of the southeast quarter of Section 27, Township 36 North, Range 4 East, Skagit County, WA (Parcels *P50155, P125644 & P125645*).

Lead Agency: Skagit County Planning and Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

- The public right-of-way shall be kept clean. Tracking of mud and debris off site shall not be allowed.
- The applicant shall comply with Northwest Clean Air Agency (NWCAA) requirements, including all dust control requirements both on and offsite.
- The applicant shall comply with the provisions of Skagit County Code 14.24, Critical Areas Ordinance. No development or disturbance of soil, vegetation or water may occur within critical areas and associated buffers.
- Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the initiation of the project pursuant to Skagit County Code (SCC) 14.32, Drainage Ordinance. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place

until completion of the project.

- The project shall comply with noise, vibration, and light/glare limitations as per SCC 14.16.840.
- The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning and Development Services.
- The applicant shall comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best management practices shall be utilized to prevent interference and/or degradation of water quality.
- No gravel mining operations shall occur within 10 feet of the groundwater table as established by the Hydrogeologic Site Assessment report by Associated Earth Sciences, dated August 21, 2015.

A Copy of this MDNS and special use permit shall be kept on site and made available to inspecting agencies during all phases of mining activity.

Failure to comply with any of these conditions will result in all work on the site being stopped until the condition is remedied.

This MDNS is issued under 197-11-350(2). The lead agencies will not act on this proposal for 15 days from the date of publication.

Comments must be submitted by June 10, 2016.

You may appeal this threshold determination by addressing those criteria as set forth in SCC 14.06 and 14.12 and then by filing such with Skagit County Planning and Development Services for service to the SEPA responsible official within (14) calendar days after the date of the threshold determination.

Appeals must be submitted by June 24, 2016.

RESPONSIBLE OFFICIAL: Planning Director

CONTACT PERSON: John Cooper, Natural Resource Planner

Address: Skagit County Planning and Development Services
1800 Continental Place
Mt. Vernon, WA 98273

Phone: (360) 416-1334

Date: 5-24-16 Signature 

cc: NWCAA, WDFW, WDNR, WDOE, WDOT, SC Public Works, SC fire marshal, Skagit Systems Cooperative, Applicant.



Planning & Development Services

1800 Continental Place • Mount Vernon, Washington 98273
Phone: (360) 336-9410 • Fax: (360) 336-9416

PL16-0097
RECEIVED

MAR 07 2016

SKAGIT COUNTY
PDS

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

- SEPA FEE \$ _____ PUBLICATION FEE \$ _____
 STAMPED ENVELOPES FOR OWNERS OF RECORD WITHIN 300' OF ALL PARCEL BOUNDARIES. INCLUDE MAP AND LIST OF ADDRESSES.

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

Forms online:

<http://www.skagitcounty.net/PlanningAndPermit/Documents/Forms/SEPA/Environmental%20Checklist.pdf> OR
<https://fortress.wa.gov/ecy/publications/summarypages/ecy05045.html>

A. BACKGROUND

1. Name of proposed project, if applicable:

Grip Road Gravel Mine

2. Name of applicant:

Concrete Nor'West

3. Address and phone number of applicant and contact person:

Applicant: Concrete Nor'West
C/o Dan Cox
PO Box 280
Mount Vernon, WA 98273
360.757.3121

Contact: John B. Semrau, PE, PLS
Semrau Engineering and Surveying
2118 Riverside Drive, Suite 208
Mount Vernon, WA 98273
360.424.9566
360.424.6222 Fax

4. Date checklist prepared:

March 2, 2016

5. Agency requesting checklist:

Skagit County Planning and Development Services

6. Proposed timing or schedule (including phasing, if applicable):

Mining is anticipated to begin as soon as feasible after all permits are approved.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A Critical Area Review Checklist - Skagit County Planning and Development Services
Hydrogeologic Site Assessment – Associated Earth Sciences, August 21, 2015
Fish and Wildlife Site Assessment – Graham-Bunting Associates, August August 20, 2016
Gripp Road Gravel Pit Preliminary Traffic information, February 8, 2016, DN Traffic Consultants

Samish River (Ordinary High Water mark/Wetland Edge), Graham-Bunting Associates, May 18, 2015

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None.

10. List any government approvals or permits that will be needed for your proposal, if known.

Surface Mine Reclamation Permit – Washington Department of Natural Resources
Sand and Gravel NPDES Permit, Washington Department of Ecology
Commercial Access – Skagit County Public Works
Forest Practices Permit and Conversion - Washington Department of Natural Resources

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Proposed project is a 68 acre gravel mine north of Grip Road in the North 1/2 of the Southeast 1/4 of Section 27, Township 36 North, Range 4 East, W.M. Access will be onto Grip road. There is no site address at this time. Property is identified by three Assessor's Parcels Numbers P125644, P125645, and P50155, all with Lot Certification. The site adjoins the Samish River to the east.

An approved mining special use permit with the County is required before a reclamation and surface mining plan can be approved by the DNR. The site will be dry mined using standard mining equipment such as front end loaders and excavators. The gravel will be loaded into trucks and transported to market.

Drainage from the site will all infiltrate into the mine bottom gravel. No surface water from the mine will flow directly to the Samish River. Depth of mine is to remain 10 feet above the water table with a mine floor from 154 feet to 163 feet in elevation. Proposal is to avoid critical area impacts. The 200 foot setback from the river is proposed to be from the easterly toe of the slope, which is westerly of the associated wetland edge. Toe of slope has been determined by LIDAR data and verified by site observation and GPS. Top of slope was observed and measured by geotechnical consultant and the GPS observations have been mapped.

Site will access onto Grip Road from an existing private forest road at an existing gate approximately 0.7 miles east of the intersection of Grip Road to Prairie Road. The entrance will be upgraded to the County Commercial Entrance, Type D, 2 Lane standard.

Working the pit will require logging and conversion of approximately 51 acres of forest land.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Mine is located in the North 1/2 of the Southeast 1/4 of Section 27, Township 36 North, Range 4 East, W.M. Access will be at the current location from the south onto Grip Road in the Southwest 1/4 of the Northeast 1/4 of Section 3, T. 35 N., R. 4 E., W.M. The private, existing, forest roadway to the site continues through the North 1/2 of Section 3, T. 35 N., R. 3 E., W.M., through Section 34, T. 36 N., R. 4 E., W.M., and through the South 1/2 of Section 27, T. 36 N., R. 4 E., W.M.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

b. What is the steepest slope on the site (approximate percent slope)?

70%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

NRCS, 1989, mapped as Skipopa silt loam. Surface soils will be stripped and stockpiled for reclamation following mining.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Mining will be within a 51 acre portion of the site. 4.28 million cubic yards of excavation.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Slopes are relatively flat where the mine excavation will begin. Chance of erosion is slight. Runoff will all infiltrate into the mine bottom gravel.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No permanent impervious surfaces are proposed.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Standard construction erosion control practices. All site runoff will infiltrate into the bottom of the mine.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Mining activity would have temporary impacts on air quality including emissions from construction vehicles; increased suspended particulates (dust) during grading and loading activities.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no off-site sources of emissions that would impact the proposal.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Mining equipment and haul trucks would be properly maintained. There will also be a vegetated buffer around the boundary.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Samish River is the easterly boundary of the site and there is an unnamed intermittent stream that is tributary to the Samish that just passes through the southeast corner of the site

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No work is proposed within 200 feet of the river and stream.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Construction will not require any filling or dredging of surface water areas. Mining will stay 10 feet above ground water table.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No, none required

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

All of the proposed mining area is located in Zone C, more than 50 feet above the flood plain of the Samish River.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No. All stormwater within the mining area will infiltrate into the bottom of the mine. No runoff is proposed.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No wells or groundwater withdrawal are proposed.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None proposed. Portable facilities will serve the temporary use of the site.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

No runoff is proposed from the mine site area. All site runoff will infiltrate into the gravel mine bottom.

2) Could waste materials enter ground or surface waters? If so, generally describe.

It would be very unlikely for any waste materials to enter ground or surface waters. Mining is to remain 10 feet above ground water table.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No. Site is a localized plateau and receives little run-on and does not have apparent runoff channels.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Infiltration of mining runoff into bottom of mine.

4. Plants

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

All the vegetation within the 51 acre mining area will be removed. Reclaimed surfaces will be revegetated.

c. List threatened and endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Yes, insofar as that all of Western Washington is a migration route for bird species

d. Proposed measures to preserve or enhance wildlife, if any:

No specific measures are proposed.

e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Fossil fuels would be used by mining vehicles as well as haul trucks.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None are proposed.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The proposal is a mining project. As a result, environmental hazards associated with the project would be those typically associated with mining, including: noise from equipment and potential spills of fuels, oils, grease and lubricants from the operation and maintenance of equipment.

- 1) Describe any known or possible contamination at the site from present or past uses.

None known. Site has been used for forestry.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None proposed.

- 4) Describe special emergency services that might be required.

No emergency services beyond what is currently provided by the County would be required for the proposal.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Maintenance of equipment will be done in a manner that would minimize the potential for an accidental spill.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None known.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

The principal source of noise in mining areas is truck traffic and mining machinery, which is the case for the proposed development. There would also be temporary noise impacts at the site during the construction phase. Noisy equipment usage can be divided into two types: relatively stationary on-site construction equipment and transportation equipment moving to and from the mining site.

3) Proposed measures to reduce or control noise impacts, if any:

Construction equipment would be properly muffled and would not exceed the state maximum noise standards.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Forestry and rural home sites. There are no homes within 300 feet of the site.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Site has been working forest. Lots are also certified for rural home development. 51 acres of the site will be converted from forest land.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

c. Describe any structures on the site.

No structures on-site and none proposed.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

RRc-NRL – Rural Resource

f. What is the current comprehensive plan designation of the site?

Rural Resource

g. If applicable, what is the current shoreline master program designation of the site?

Rural

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Samish River and the associated wetlands are critical areas.

i. Approximately how many people would reside or work in the completed project?

One to two full time employees on site and truck drivers hauling gravel will come and go throughout the day.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The Rural Resource zoning and Mineral Resource Overlay are intended to reserve this property for the proposed mining activities.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None proposed. Proposal is already compatible.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

No obstructions to the views will be created. The mine area is on a localized plateau which is below the peak of the ridge line on-site to the south and west. The height of the top of the slope above the river will also remain the same height. The mine excavation will be located between the unaltered easterly slope and the unaltered south and westerly ridge lines. Buffers will remain vegetated.

c. Proposed measures to reduce or control aesthetic impacts, if any:

The proposed buffers along the four sides.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light and glare from the project would be of the type typically associated with mining development. It would include lights from vehicles traveling to and from the site.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Fishing and hunting.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

There are no buildings or structures on the site. There are no buildings, structures or sites identified on the WISSARD at the DAHP web site in the vicinity of this project.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

DAHP web site, WISSARD map tool, historic maps and GIS data.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, the affected Tribe(s) and the County Coroner (if applicable) should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site will have access from Grip Road approximately 0.7 miles east of the intersections of Grip Road and Prairie Road.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

No additional parking is proposed and none would be eliminated.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Traffic generated by the project will be typical of mining operations and demand for gravel. See traffic report by DN Traffic Consultants report for discuss and ansysis of averages and PM peak trips per day.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

A flashing beacon is proposed at the intersection of Grip Road with Prairie Road to warn motorists on Priage Road when trucks are approaching intersection.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No increased need for public services is anticipated.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None are necessary.

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

None available.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None are proposed. All facilities on-site will be temporary.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

John B. Semrau, PE & PLS

Position and Agency/Organization _____

Date Submitted: _____

3/2/16



For DNR Region Office Use Only	
FPA/N #:	
Region:	
Received Date:	

**Forest Practices Application/Notification
Western Washington**

PLEASE USE THE INSTRUCTIONS TO COMPLETE THIS APPLICATION. TYPE OR PRINT IN INK.

1. Landowner, Timber Owner and Operator

Legal Name of LANDOWNER Lisa Inc	Legal Name of TIMBER OWNER (if different than Landowner) Same as Landowner	Legal Name of OPERATOR (if different than Landowner) Concrete Nor'West
Mailing Address: 400 Valley Ave NE	Mailing Address:	Mailing Address: PO Box 280
City, State, Zip Puyallup, WA 98372	City, State, Zip	City, State, Zip Mount Vernon, WA 98273
Phone (360) 757-3121 Email: danc@concretenorwest.com	Phone () Email:	Phone (360) 757-3121 Email: danc@concretenorwest.com

2. Contact Person

Contact Person: Dan Cox, Land Use/Environmental/Safety	Phone (360) 757-3121 x3046 Email: danc@concretenorwest.com
---	---

NOTE: You are required to verify Type Np, and Ns water types within 200 feet of your proposed forest practices activities prior to submitting a Forest Practices Application / Notification. Use the Additional Information section, additional pages, the Water Type Classification Worksheet, and/or a Water Type Modification form to explain how you verified water types. See Water Typing Requirements in the instructions.

3. Landownership Information: See Instructions

- a. No Yes Are you a small forest landowner per RCW 76.09.450?
If Yes, go to b.
- b. No Yes Is your entire proposed harvest area on a single contiguous ownership consisting of one or more parcel

4. If you are harvesting timber, enter the Forest Tax Reporting Account Number of the Timber Owner:
800026259

For tax reporting information or to receive a tax number, call the Department of Revenue at 1-800-548-8829.

5. Are you substituting prescriptions from an approved state or federal conservation agreement or watershed analysis?

- No Yes Write "HCP" or "Using Prescriptions" in tables that apply. Attach or reference on file prescriptions and/or crosswalks.

6. What is the legal description of your forest practice?

Section	Township	Range	E/W	Tax Parcel Number	County
27	36	4	E	P125644	Skagit
27	36	4	E	P125645	Skagit
27	36	4	E	P50155	Skagit

7. When are you planning to begin work on the proposed activity? : April 2017

8. Is the taxpayer eligible for the EARR Tax Credit?

No Yes

9. Have you reviewed this forest practices activity area to determine whether it may involve historic sites and/or Native American cultural resources? Read the instructions before answering this question.

No Yes

10. Do you have a DNR approved Road Maintenance and Abandonment Plan (RMAP)?

a. No Yes List the RMAP number: _____

If no, go to b.

b. No Yes Is a Checklist RMAP required? (see instructions)

11. Are there potentially unstable slopes or landforms within the boundaries of your forest practices activity area?

No Yes – attach geotechnical report and "Slope Stability Informational Form." If applicable, attach the SEPA checklist, HCP or Watershed Analysis prescriptions.

12. Are there potentially unstable slopes or landforms adjacent to your forest practices activity area?

No Yes – complete and attach the "Slope Stability Informational Form." If applicable, attach geotechnical report, HCP or Watershed Analysis prescriptions.

13. Is this forest practice application/notification: (Answer every question)

a. No Yes Within city limits or inside an urban growth area?

(IF YES SEE INSTRUCTIONS FOR ADDITIONAL REQUIRED DOCUMENTS.)

b. No Yes For road work that is included in an approved Road Maintenance and Abandonment Plan (RMAP)?

c. No Yes Within a public park? If Yes, include SEPA Environmental Checklist or SEPA Determination - except for harvesting/salvaging less than 5,000 board feet within a developed public park.

d. No Yes Within 500 feet of a public park? Park name: _____

e. No Yes In an approved Conversion Option Harvest Plan (COHP) from the local government? If yes, include a copy. This only applies to proposals within urban growth areas.

f. No Yes Within 200' of the Ordinary High Water Mark (OHWM) or floodway of Type S water? If yes, check with the county or city to determine whether a substantial development permit is required under the local shorelines master plan.

- g. No Yes A request for a multi-year permit? If yes, length requested: 4 years or 5 years. Not everyone qualifies for a multi-year permit. See instructions for details.
- h. No Yes An Alternate Plan? If yes, include a copy.
- i. No Yes Within 50 miles of saltwater and do you own more than 500 acres of forest land in Washington State? If Yes - include the "Marbled Murrelet Form" or attach/reference HCP prescriptions.
- j. No Yes In or directly adjacent to a potential Channel Migration Zone (CMZ)? If Yes – include the "CMZ Assessment Form." Attach/reference applicable HCP and/or Watershed Analysis prescriptions.

***** **If not working in or over typed waters, skip to number 18** *****

Prior to answering number 14-17 in this section please refer to the Forest Practices Application Instructions and Forest Practices Board Manual Section 5 (BM 5).

14. Are you proposing any of the following projects NOT permitted by current HPAs from WDFW?

- a. No Yes Installing, replacing or repairing a culvert at or below the bankfull width of Type S or F Water(s) that exceeds a five percent gradient?
- b. No Yes Constructing, replacing, or repairing a bridge at or below the bankfull width of unconfined streams in Type S or F water(s)?
- c. No Yes Placing fill material within the 100-year flood level of unconfined streams in Type S or F water(s)?

15. Have you consulted with DNR and/or WDFW about the proposed hydraulic project(s) in or over Type S or F water? No Yes

16. If installing, replacing, removing or maintaining structures in or over any typed water, complete the table below. Type S and F waters require detailed plan information. Provide plan details in number 31 or attach plan to the FPA/N. Provide crossing locations and identifiers on your Activity Map. (A detailed plan with profiles may also be required for more complex hydraulic projects in Type N Waters per WAC 222-24-042(2)).

Crossing Identifier (letter and/or number)	Water Type (S, F, Np, Ns)	*Existing HPA Number (if applicable)	HPA Expiration Date (if applicable)	Planned Activity (install, replace, remove, temporary, structure maintenance)	Structure (culvert, bridge, ford**, punchon, arch, other)	Proposed Size (dimensions of structure)	Culvert Design Method (No-slope, Stream-sim, Hydraulic, Other) (F and S only)	Channel Bed Width (ft) (F and S only)	Stream Gradient (%) (F and S only)	RMAP Project (Y or N)	FFPPP Project (Y or N)

*Existing HPAs issued by WDFW will be complied and enforced by WDFW until expiration. Plan details are not required for hydraulic projects permitted with an existing HPA (see instructions).

** Fords and equipment crossings on Type S and F Waters may result in an unauthorized incidental take of certain endangered or threatened fish species. For more information, see "Background for the state's Incidental Take Permits for certain endangered and threatened fish species" following number 24 of the FPA/N Instructions.

17. If conducting any of the following activities in or over typed water, complete the table below. Some activities will require Identifiers on your Activity map and/or more information in number 31, Additional Information. See instructions.

*Activity	Type S Water	Type F Water	Type Np Water	Type Ns Water
Equipment Crossing**				
Suspending Cables				
Cable Yarding				
LWD Placement/Removal				
Beaver Dam Removal				
Felling and Bucking				
Other (describe in number 31)				

*Existing HPAs issued by WDFW will be complied and enforced by WDFW until expiration. Plan details are not required for hydraulic projects permitted with an existing HPA (see instructions).

** Fords and equipment crossings on Type S and F Waters may result in an unauthorized incidental take of certain endangered or threatened fish species. For more information, see "Background for the state's Incidental Take Permits for certain endangered and threatened fish species" following number 24 of the FPA/N Instructions.

18. If constructing or abandoning forest roads complete the table below. Show the road locations and identifiers on your Activity Map. Include abandonment plans for temporary roads and abandonment projects.

Road Identifier (name, number)	Road Construction		Road Abandonment	
	Length (feet)	Steepest Side-slope (%)	Length (feet)	Abandonment Date

19. If depositing spoils and/or expanding or developing a rock pit for forestry use, complete the table below. Show locations and identifiers on your Activity Map.

Spoil Area Identifier (letter, number)	Amount of Spoils Deposited (cubic yards)	Rock Pit Identifier (name, number or letter)	Acres of New Rock Pit Developed	Acres of Existing Rock Pit Expanded

20. If operating in or within 200 feet of a wetland, complete the table below. Show the boundaries of each wetland, along with its identifier, and WMZ on your Activity Map. See instructions for information.

Wetland Identifier (number, letter)	Wetland Type (A, B, or Forested)	Planned Activities in Wetland	Planned Activities in Maximum Width WMZ	Total Wetland Area (acres)	How many acres are you draining?	How many acres are you filling?

***** **If not harvesting or salvaging timber, skip to number 29** *****

21. If harvesting or salvaging timber, complete the table below. Show all harvest areas and unit numbers on your Activity Map. For even-aged harvest units also show surrounding stand information on your Activity Map.

Unit Number	Harvest Type (Even-aged, Uneven-aged, Salvage, Right-of-Way)	Biomass Harvest (Y/N)	Harvest Method (Rubber Tired Skidder, Tracked Skidder, Dozer, Shovel, Full Suspension Cable, Lead-end Suspension Cable, Helicopter, Animal, Chipper-forwarder, Slash Bundler)	Acres to be Harvested	Volume to be Harvested (mbf)	Volume to be Harvested (biomass tonnage)	Volume to be Harvested (%)	Steepest Slope in Harvest Unit (%)

22. Reforestation. Check the appropriate box(es).

- Planting. Tree Species: _____
- Natural. Include a Natural Regeneration Plan
- Not required because of one or more of the following:
- I am converting some or all of this land to non-forest land in the next 3 years or lands are exempted under WAC 222-34-050.
 - Individual dead, dying, down, or wind-thrown trees will be salvaged.
 - Trees are removed under a thinning program reasonably expected to maximize the long-term productivity of commercial timber.
 - I am leaving at least 100 vigorous, undamaged, and well-distributed saplings or merchantable trees per acre.
 - An average of 190 tree seedlings per acre are established on the harvest area and my harvest will not damage it.
 - Road right-of-way or rock pit development harvest only.

**** **If you own MORE than 80 forested acres in Washington, skip to number 27** ****

23. Are you using the exempt 20-acre parcel riparian management zone (RMZ) rule on type S, F, or Np waters?

- No If no, continue to number 27.
- Yes If yes, continue to number 24. See instructions for qualifications and information.

24. Choose the answer below that best fits your situation. Show all RMZs on your Activity Map.

- a. ALL of the following apply to me and my land: (If no, answer b.)
- Between June 5, 2006 and today's date I have always owned less than 80 acres of forestland in Washington.
 - Between June 5, 2006 and today's date this parcel has always been 20 acres or less of contiguous ownership.
 - Between June 5, 2006 and today's date this parcel has always been owned by me or someone else that has owned less than 80 acres of forestland in Washington.

b. ONE OR MORE of the following apply to me and/or my land (check all that apply):

- I currently own more than 80 acres of forestland in Washington.
- Between June 5, 2006 and today's date I have owned more than 80 acres of forestland in Washington.
- Between June 5, 2006 and today's date this parcel has been more than 20 acres of contiguous ownership.
- Between June 5, 2006 and today's date this parcel has been owned by someone that has owned more than 80 forested acres in Washington.

25. If harvesting within 115 feet of a Type S or F water on an exempt 20-acre parcel, complete the table below. Show RMZs and stream segment identifiers on your Activity Map. (Include stream shade assessment methodology if you are harvesting within 75 feet, or the maximum RMZ, whichever is LESS. If using BM1 to evaluate shade, you may use the "Stream Shade Assessment Worksheet").

Stream Segment Identifier (letter)	Water Type (S, F)	Segment Length (feet)	Bankfull Width (feet)	Maximum RMZ Width (feet)	Are you harvesting within the maximum RMZ? (Y or N)

26. Are you harvesting within 29 feet of a Type Np water on a 20-acre exempt parcel?

- No Continue to number 29.
- Yes See instructions and describe leave tree strategy in number 31. Then continue to number 29.

27. If harvesting within 200 feet of any of Type S or F waters, complete the table below. Include DFC for all inner zone harvests unless you have an HCP prescription. Show RMZs, CMZs, and stream segment identifiers on your Activity Map. (Include stream shade assessment methodology if you are harvesting within 75 feet of S or F waters. If using BM1 to evaluate shade, you may use the "Stream Shade Assessment Worksheet").

Stream Segment Identifier (letter)	Water Type (S or F)	Site Class (I - V)	Stream Width (feet)	Is there a CMZ? (Y/N)	RMZ Harvest Code(s) (see instructions)	DFC Run Number	Total width of RMZ (feet)

28. If harvesting within 50 feet of Type Np water, complete the table(s) below. Show RMZs and stream segment identifiers on your Activity Map.

Stream Segment Identifier (letter)	Total Stream Length in Harvest Unit (feet)	Length of No-Harvest, 50-foot Buffers in Harvest Unit (feet)	Stream Segment Identifier (letter)	Total Stream Length in Harvest Unit (feet)	Length of No-Harvest, 50-foot Buffers in Harvest Unit (feet)

29. How are the following marked on the ground? (Flagging, paint, road, fence, etc.)

Harvest Boundaries: Flagging
 Clumped Wildlife Reserve Trees/Green Recruitment Trees: N/A
 Right-of-way limits/road centerlines: Existing - no new roads needed for logging activity.
 Stream Crossing Work: N/A
 Riparian Management Zone Boundaries and Leave/Take Trees: N/A
 Channel Migration Zone: N/A
 Wetland Management Zone Boundaries and Leave/Take Trees: N/A

30. Are you converting the land to non-forestry use within 3 years of harvest?


No Yes If yes, include your SEPA Determination and/or SEPA checklist.

31. Additional Information (attach additional pages if necessary):

For hydraulic projects in or over S or F water(s) see instructions for required plan information.

32. We acknowledge the following:

- The information on this application/notification is true.
- We understand this proposed forest practice is subject to:
 - The Forest Practices Act and Rules AND
 - All other federal, state or local regulations.
- Compliance with the Forest Practices Act and Rules does not ensure compliance with the Endangered Species Act or other federal, state or local laws.
- If we said that we would not convert the land to non-forestry use, the county or city may deny development permits on this parcel for the next 6 years.
- The following may result in an unauthorized incidental take of certain endangered or threatened fish species:
 - Conversion of land to non-forestry use.
 - Harvesting within the maximum RMZ on a 20-acre exempt parcel that was acquired after June 5, 2006.
 - Equipment Crossings/Fords in or over Type S and F Waters.

Signature of LANDOWNER  Print Name: <u>Dan Cox</u> Date: <u>3/8/16</u>	Signature of TIMBER OWNER* (If different than landowner) Print Name: <u>Dan Cox</u> Date: <u>3/8/16</u>	Signature of OPERATOR (If different than landowner) Print Name: <u>Dan Cox</u> Date: <u>3/8/16</u>
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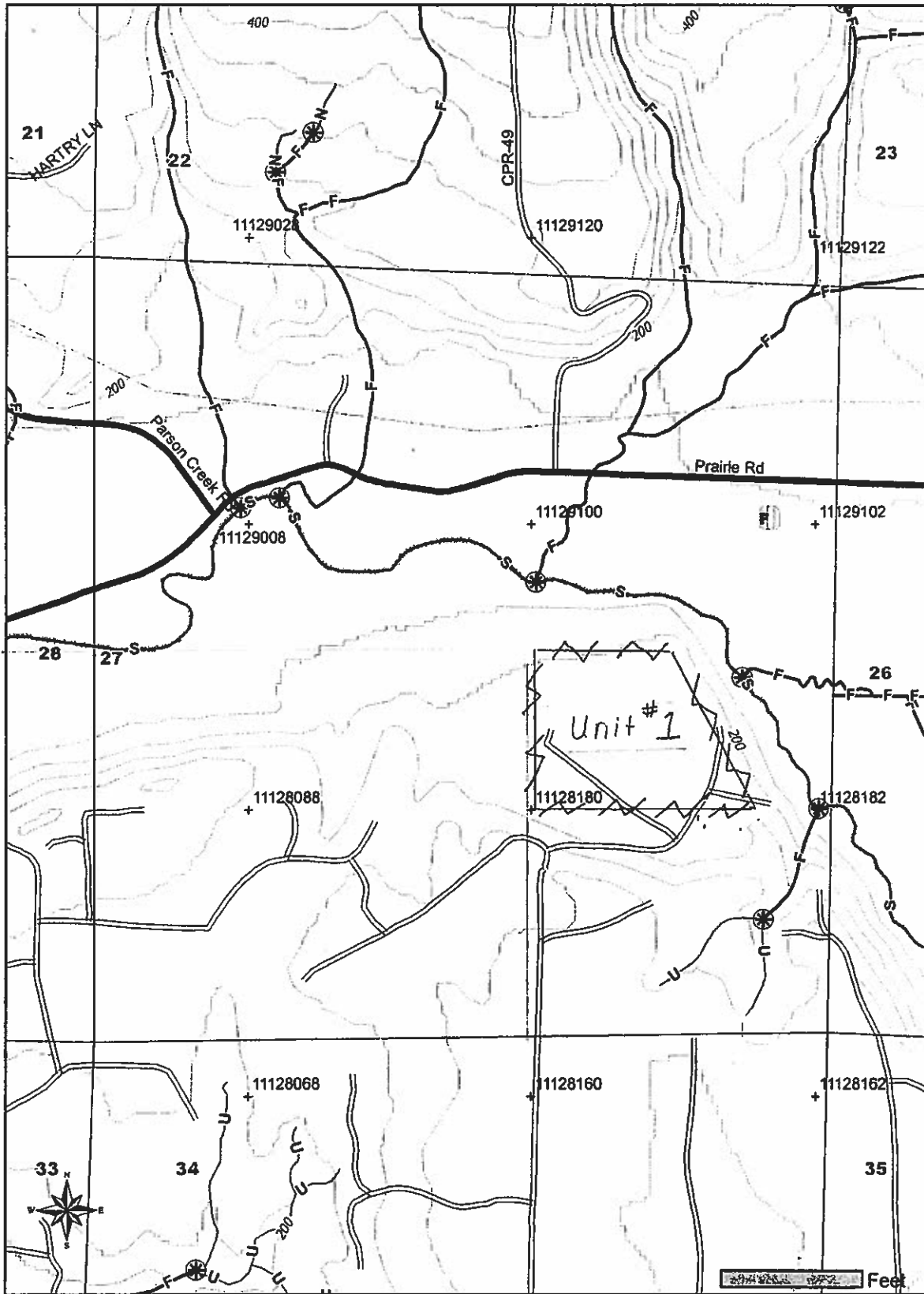
* NOTE: If you are a "Perpetual Timber Rights Owner," and are submitting this without the Landowner's Signature, provide written evidence the landowner has been notified.

Please make a copy of this FPA/N for your records. If this FPA/N contains a hydraulic project requiring WDFW concurrence review, it will not be available online for public review until after the WDFW concurrence review period.


FOREST PRACTICE ACTIVITY MAP

TOWNSHIP 36 NORTH HALF 0, RANGE 04 EAST (W.M.) HALF 0, SECTION 27

Application #: _____



Please use the legend from the FPA Instruction or provide a list of symbols used.

 Unit boundary # 1

Date: 3/8/2016 Time: 11:29:52 AM
NAD 83
Contour Interval: 40 Feet

EXHIBIT D

RECEIVED
OCT 10 2017
SKAGIT COUNTY
PDS

October 4, 2017

VIA REGULAR U.S. MAIL & E-MAIL

julien@co.skagit.wa.us

Julie S. Nicoll
Deputy Prosecuting Attorney
Skagit County
Civil Division – Planning & Development Services
605 S. 3rd Street
Mount Vernon, WA 98273-3867

**RE: CONCRETE NOR'WEST'S SEPTEMBER 20 RESPONSE TO SKAGIT COUNTY'S
REQUEST FOR INFORMATION**

Dear Ms. Nicoll:

Thank you for forwarding the letter from Concrete Nor'West ("CNW") dated September 20 responding to Skagit County's July 6 request for more information regarding CNW's permit applications PL 16-0097 AND PL 16-0098. While CNW purports to respond to the County's requests, they provide no substantive information and, in several instances, make assertions that are demonstrably false. This letter is intended to highlight some of these issues.

As a general matter, CNW's letter does not respond in any meaningful way to any of the County's requests for more information identified in its July 6 letter. Pursuant to SCC 14.16.105, CNW's failure to adequately respond within the timeframe prescribed in that ordinance results in the expiration of its permit application. This is mandatory by the County Code. There is no discretion in this matter. The County has the affirmative duty and obligation to deny the application. In fact, many of the requests articulated in the County's July 6 letter are reiterations of identical requests for information made in its March 14 letter to CNW—requests which, it must be noted, CNW still has not adequately responded to. Under SCC 14.16.105, CNW has repeatedly failed to timely respond to the County's requests for information. The County is obligated to deny the application.

Even if CNW had provided the required information before the expiration of its application, that would not correct the underlying problem: the inadequate environmental review this project has been given by the County under SEPA. For example, in its letter, CNW repeatedly points to the County's September 12, 2016 Staff Report as proof of the completeness of its permit

application. The Staff Report is proof of no such thing,¹ but CNW's point is nonetheless indicative of the inconsistency in the rigor of the County's review of the proposed project—including lapses in public notice that have been extensively detailed in previous correspondence. While the County has undertaken important steps toward rebuilding the trust of the public and properly involving the public in the permit review process, such efforts do not resolve the inconsistencies on which CNW (albeit baselessly) relies. The only way to ensure that the proposed project is subject to the appropriate level of environmental review and the required processes that have *always* been necessitated under SEPA—is to formally withdraw the MDNS and re-commence the environmental review process from the beginning. CNW's most recent refusal to comply with the County's requests merely reinforces this conclusion.

In that context, the items raised in CNW's September 20 letter are each addressed in detail below.

1. Hours of Operation

In response to the County's proposed restriction of the proposed mine's hours of operation to Monday through Friday, 7:00 a.m. to 5:00 p.m., CNW reiterates its baseless contention that the County effectively lacks the authority to restrict its hours of operation under SCC 14.16.440(10)(i)(i).

CNW has made this argument in previous correspondence. The Hearing Examiner has the authority to impose conditions on a permit under SEPA's substantive authority to mitigate the proposed project's adverse environmental impacts. See WAC 197-11-660 and RCW 43.21C.060. Because CNW's proposed project will result in documented adverse impacts related to noise and truck traffic (among other impacts), CNW's permit must be conditioned with restricted hours of operation. The adverse impacts from noise and truck traffic were discussed in our July 27 letter to the County, which also provided documentation of such impacts.

Moreover, since CNW has repeatedly asserted its right to unlimited hours of operation, its permit application must be reviewed under the presumption that the proposed gravel mine will be operating 24 hours per day, 7 days per week, every day of the year, which is not what was indicated in the Staff Report. It is simply impossible that such a project would, under a proper SEPA review, result in a threshold determination of nonsignificance, mitigated or otherwise. This indicates that the original SEPA threshold analysis was inadequate, and should be formally withdrawn.

2. Special Use Permit Criteria

The County's July 6 letter identified nine (9) special use permit criteria that required further supporting evidence from CNW and expressly requested a noise and vibration study. Rather than respond to this request for more information, CNW suggests that the County cannot require a noise and vibration study because, first, the County's September 12 Staff Report

¹ To the extent the Staff Report made any assertions, erroneous or otherwise, regarding the completeness of CNW's permit application, SCC 14.16.100(5) permits the County to request more information even after a determination of completeness is issued.

concluded that CNW's proposed project was in compliance with the special use criteria of SCC 14.16.900(1)(b)(v), and second, because CNW believes the site is "very isolated and no processing is proposed."

First, CNW paradoxically argues on the one hand that the County cannot impose certain conditions, but on the other hand seeks to use the County's Staff Report as a final arbiter of an issue necessitating further study. In any case, regardless of whether the September 12 Staff Report correctly deemed CNW's application complete, SCC 14.16.100(5) expressly permits the County to request more information subsequent to a determination of completeness. The County made precisely such a request, and CNW may not now point to the Staff Report as proof of its compliance with the special use criteria.

Second, the site of the proposed mine is not nearly as remote as CNW suggests. According to data obtained from ArcGIS, within one mile of the proposed gravel mine there are 100 households and nearly 250 residents; within two miles there are 374 households and nearly 1,000 residents; within three miles there are 752 households and nearly 2,000 residents. And this is only in reference to the mine itself—the truck trips generated by the mine would undoubtedly produce significant noise and vibration along Prairie Road and Grip Road (not to mention likely alternative haul routes that CNW's traffic analysis has never considered). The same data shows that the number of households that would be affected by the noise and vibration from truck traffic is close to 1,000. Pedestrians and cyclists use these roads as well, as do school buses. This is hardly the isolated operation that CNW depicts, and CNW offers no explanation for why these thousands of Skagit County residents would not be affected by a 68-acre gravel mine theoretically running up to 110 trucks *per hour* through their backyard. Simple logic and basic understanding of living in this environment reveals the adverse impact this proposal has on this neighborhood and community. A noise and vibration study would clarify the extent to which these neighbors would be affected by this aspect of the proposed project, and CNW's resistance to such a study is revealing. By its resistance, CNW suggests that its operation is likely to be more disruptive to the local community than it is willing to disclose.

Moreover, CNW's statement that "no processing is proposed" is inconsistent with statements from both CNW and the County regarding future on-site processing. Although certain of CNW's initial application materials suggested that no on-site processing would occur, both the MDNS and the Staff Report state that no on-site processing is proposed "at this time"—implying that future on-site processing was contemplated. When pressed to clarify this point, CNW's May 15 letter to the County stated only that no processing was proposed "in this application"—again implying that future on-site processing was contemplated. CNW's refusal to categorically state whether or not processing will occur on-site strongly suggests that it intends to process on-site at some point. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review. See WAC 197-11-060(5)(d)(ii). Given that CNW has expressly reserved the right to pursue processing at this site in the future, CNW's project must now be reviewed on the basis of what has been reserved as a potential future activity—that such processing *will* occur at this site, as CNW has repeatedly indicated.

For these reasons, the County's request for more information regarding special use criteria, including a noise and vibration study, is more than justified, and CNW's refusal to comply with the County's request should be treated as a failure to respond under SCC 14.06.105.

3. Truck Trips

The County's July 6 letter suggested that the maximum number of truck trips should be 46 per day, subject to the results of a third-party review of CNW's traffic analysis. CNW rejects this limit and again refers the County to the report and addendum from DN Traffic Consultants, but avoids acknowledging what that report and addendum actually say. The addendum proposed a theoretical limit of 110 truck trips per hour, but pointed out that there weren't enough trucks with pups in Skagit County to actually reach this limit. Effectively, then, CNW is refusing any limit to the number of truck trips, and the County's SEPA review of the proposed project must be based on the operation of a mine that will result in up to 110 trips per hour. As with the hours of operation issue discussed above, the MDNS was therefore erroneous and should be formally withdrawn.

4. Private Road Standards Applicable to the Access Road

In response to the County's request to CNW to amend its application to ensure the access road's compliance with private road standards, CNW acknowledges the need for emergency vehicle access and agrees to a "reasonable performance standard that requires the access road be maintained to private road standards." However, CNW expressly excludes the existing approach and the Swede Creek bridge from this proposal. In essence, CNW recognizes the applicability of private road standards everywhere except where it is likely to trigger further critical areas review.

This is simply an effort to avoid the critical areas regulation by seeking a waiver of the private road standards in critical areas. The presence of critical areas is no basis for a waiver of private road standards. More importantly, there is no authority for such a waiver. See SCC 14.36.010; Skagit County Road Standards Section 2.03 ("In all cases, the application of these Standards shall be in conformance with the Critical Areas Ordinance"). There is no question that private road standards are applicable to the access road—the *entire* access road. See SCC 14.36.010; Skagit County Road Standards Section 3.02 and 3.05.B. There are, in addition, other critical areas near and along the access road—wetlands in particular—that are subject to critical areas review. It is not within CNW's authority to pick and choose the portions of the road that it will maintain in compliance with such standards in order to avoid critical areas review, and CNW's refusal to comply with the County's request for an amended application should be treated as a failure to submit requested information under SCC 14.16.105.

5. Spill Control Plan

In response to the County's request for a site-specific spill control plan, CNW provides for the first time its Sand & Gravel General Permit, including a spill control plan. The spill control plan is a generic plan that contains no site-specific information other than the address and the plain

statement that “[t]he Grip Road site includes above ground mining.” This does not satisfy the County’s request for information.

The Sand & Gravel General Permit also raises a number of questions regarding the nature and scope of the proposed project. For example, there are references to a site plan that has never been shared with the public. There are, furthermore, references to a number of materials or processes that suggest CNW has not disclosed the full scope of its proposed project. These include chemical liquids, petroleum products, used oil, spent solvents, fertilizers, and pesticides, the purpose of which is never specified. There are likewise references to unhardened concrete, concrete truck washouts, and tanks that aren’t clearly consistent with a proposal to extract *and not process* gravel. The Sand & Gravel General Permit at one point refers to on-site tanks being subject to requirements regarding their construction, but elsewhere states that no tanks will be stored on-site. These discrepancies must be clarified before the project can be properly evaluated.

6. Land Use Intensity Rating

CNW continues to assert that a gravel mine is a moderate intensity land use under the land use impact definitions in SCC 14.04.020, and is therefore subject to only a 200-foot critical areas buffer under Skagit County’s Critical Area’s Ordinance, Chapter 14.24 SCC. “Moderate impact land use” is defined as:

land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

That definition could not possibly encompass an industrial gravel mine. Such a position is baseless. It is clear that under the County Code *all* commercial and industrial uses fall under the definition of “high impact land use” which is defined as:

land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and *commercial and industrial land uses*.

The County correctly pointed out, in its July 6 letter, that CNW’s project is a high intensity land use, and required CNW to amend its application materials to reflect this. In response, CNW, again, claims that the County has already “decided and approved” the project as a moderate impact land use subject to a 200-foot critical areas buffer. Again, though, the County has authority to request more information from a permit applicant under SCC 14.06.105. CNW cannot point to previous correspondence with the County as proof that its proposed mine would constitute a “moderate impact land use.” And, again, on the one hand CNW argues the County cannot impose conditions, seek new information or even change its determination based on new information, and on the other hand seeks to use the Staff Report as a final arbiter of an issue to avoid an accurate and lawful determination that restrains their activity. CNW’s refusal

to amend or even clarify its application to correctly identify the intensity of the land use constitutes a failure to respond under SCC 14.06.105, and the County should therefore deny the application.

7. Factual Discrepancies

The County requested updated application materials in its March 14 letter, a request reiterated in the July 6 request. In response, CNW requests specific identification of the factual discrepancies contained in its application materials. Many of these discrepancies have been identified numerous times in previous correspondence between the County and CNW. They include:

- Inconsistencies regarding the hours of operation, which remain unresolved.
- Inconsistencies regarding the number of truck trips, which remain unresolved.
- Inconsistencies regarding on-site processing, which remain unresolved.
- Inconsistencies regarding noise, which remain unresolved.
- Inconsistencies regarding whether CNW plans to store fuel on-site. CNW indicated that fuel *will* be stored on-site, but has not amended its application to so indicate.
- Inconsistencies regarding the amount of gravel to be removed, which remain unresolved.
- Inconsistencies regarding the depth of the mine, which remain unresolved.

All of these discrepancies were discussed in detail in our March 3 letter to John Cooper of Skagit County Planning and Development and again in later correspondence. The County has followed up on several of these, but none of them have been meaningfully or sufficiently clarified.

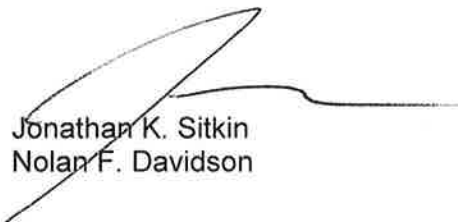
The County's March 14 request for updated materials has, as of the date of this letter, been ignored by CNW for more than 200 days. This is well beyond the time limit prescribed in SCC 14.16.105. Accordingly, the County has a nondiscretionary obligation to deny the permit application for failure to timely submit requested information. CNW is free to reinstate review by submitting a new application consistent with all current requirements. SCC 14.16.105(4). This would have the added benefit of allowing the public to make informed comments throughout the SEPA process.

Our clients recognize and appreciate the steps the County has undertaken to regain the public's trust following the deficiencies in SEPA review and public notice that have been highlighted in previous correspondence and need not be discussed in detail here. CNW, on the other hand, has made clear its intention to shirk proper review under SEPA in any way it can, including an open refusal to respond to the County's requests for information. The County must recognize CNW's response—or rather, its refusal to respond—as a failure to submit requested information under SCC 14.06.105, and accordingly deny the permit.

Thank you for your consideration.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Jonathan K. Sitkin
Nolan F. Davidson

JKS/NFD/rsv

cc: Client

John Cooper, Skagit County Planning & Development (hard copy only)